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ABSTRACT

A statement by the chairman of the subcommittee, Representative Edward J. Markey opened this hearing on H.R. 1677, the Children's Television Act of 1989, a bill which would require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes. The text of the bill is then presented, followed by related literature, surveys, and the testimony of nine witnesses: (1) Daniel R. Anderson, Psychology Department, University of Massachusetts; (2) Helen L. Boehm, vice president, Children's Advertising Review Unit, Council of Better Business Bureaus, Inc.; (3) Honorable Terry L. Bruce, Representative in Congress from the State of Illinois; (4) William P. Castleman, vice president, ACT III Broadcasting, on behalf of the Association of Independent Television Stations; (5) Peggy Charren, president, Action for Children's Television; (6) DeWitt F. Helm, Jr., president, Association of National Advertisers, Inc.; (7) Robert Keeshan, Robert Keeshan & Associates; (8) John P. Murray, professor, Department of Human Development and Family Studies, Kansas State University; and (9) Glenn Wright, vice president, KIRO-TV, on behalf of the National Association of Broadcasters. Additional materials submitted for the record include charts from Action for Children's Television illustrating commercial time levels during children's television programming and a statement by the American Association of Advertising Agencies, Inc. (MES)

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CHILDREN'S TELEVISION

HEARING

BEFORE THE

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND FINANCE

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 1677

A BILL TO REQUIRE THE FEDERAL COMMUNICATIONS COMMISSION TO REINSTATE RESTRICTIONS ON ADVERTISING DURING CHILDREN'S TELEVISION, TO ENFORCE THE OBLIGATION OF BROADCASTERS TO MEET THE EDUCATIONAL AND INFORMATIONAL NEEDS OF THE CHILD AUDIENCE, AND FOR OTHER PURPOSES

APRIL 6, 1989

Serial No. 101-32

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CHILDREN'S TELEVISION

THURSDAY, APRIL 6, 1989

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2322, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning.

Today, we will consider H.R. 1677, the Children's Television Act of 1989. Yesterday, my distinguished colleagues, Mr. Bryant, Mr. Rinaldo, Mr. Bruce, Mr. Slattery, the full committee chairman Mr. Dingell, 11 other original cosponsors, and I introduced legislation identical to the bill that was passed last Congress but pocket-vetoed by President Reagan. A companion bill was also introduced yesterday in the Senate by the distinguished Senator from Ohio, Mr. Metzenbaum, and Senator Lautenberg of New Jersey.

The legislation we will consider today represents the product of prolonged negotiations between public interest groups and broadcasters and enjoys the support, the strong support, of public interest advocates as well as many broadcasters.

The legislation has two basic requirements: First, it will reduce the level of commercialization on children's television by capping the number of commercial minutes per hour that can be aired during children's programming. No longer will children be subjected to endless streams of commercial pictures. Second, and perhaps more importantly, the legislation, for the first time, will clarify that a broadcaster's public interest responsibilities include furnishing of educational and information programming for our children. This provision will encourage new, creative, and innovative programming, signaling the dawn of a new era of children's television programming.

Before we move to the testimony of our distinguished panel of witnesses, I would like to share with you three charts illustrating the commercial time levels during children television programming. The source of information for the first two charts is a study which will be released at today's hearing conducted by Action for Children's Television. The information for the third chart was provided to the subcommittee by the three major television networks.

The first chart reflects the number of commercial minutes per hour on weekday children's programs on a representative independent television station in Boston last fall. The chart illustrates that the station aired in excess of 12 minutes and as much as 14

minutes of commercial matter each hour during the majority of its children's weekday programming.

By no means should this chart be taken to indicate that every station in Boston or in the Nation exceeded the 12-minutes-per-hour guidelines level that was effective prior to 1984. However, this chart plus other, older studies provide clear evidence that the limits of the 1974 guidelines are being exceeded and therefore a ceiling on commercial time is both appropriate and necessary to inhibit increasing commercialization of children's television.

Even more telling and cause for genuine concern is the comparison between the first and second charts. The second chart illustrates a study concerning commercial minutes during adult weekly prime-time programming. The study demonstrates that, with regard to adult prime-time programming, commercials do not exceed 8 minutes per hour. Contrast that to the 12 to 14 minutes our children are already exposed to on weekdays.

If children are exposed to as much as 42 percent more commercial matter daily than are adults, it is not by coincidence. Advertisers perceive a particularly vulnerable audience, and we have a duty to see to it that this child audience is protected from wave after wave of exploitative commercials. This comparison makes a compelling case for the regulation provided by this legislation.

Finally, the third chart reflects current trends in commercial limits during weekend children's programming on the three networks. The chart graphically depicts a steady increase in commercial matter over the past 6 years. Prior to 1984, when the Commission enforced commercial guidelines, all these networks were either at or below the 9½ minutes per hour limit. However, in the 5 short years since the Commission's deregulation order, commercial time has been on the rise, with stations at two of the networks now offering as many as 11 minutes per hour of commercial matter.

What these charts demonstrate conclusively is that, without reinstatement of commercial time limits, there is nothing to stop this trend of increased commercialization of children's television from sky-rocketing to the heavens like the space shuttle Discovery.

I would hope that these charts help to serve the purpose of making clear what it is that we are concerned about in the ever escalating battle to convert time that should be spent on quality children's programming and converting it into additional commercial minutes. We believe that we have struck a balance that makes sense and reflects historical levels that can be agreed to between the industry and the public interest groups, and this attempt at laying out in graph form what is taking place is then put into legislative form which we will begin considering today.

The time for opening statements by the Chair has expired.

[Testimony resumes on p. 31.]

[The text of H.R. 1677 and the charts referred to follow:]

I

101ST CONGRESS
1ST SESSION

H. R. 1677

To require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1989

Mr. BRYANT (for himself, Mr. RINALDO, Mr. BRUCE, Mr. COELHO, Mr. SWIFT, Mr. LELAND, Mrs. COLLINS, Mr. SYNAR, Mr. ECKART, Mr. RICHARDSON, Mr. SLATTERY, Mr. COOPER, Mr. WYDEN, Mr. WAXMAN, Mr. CAMPBELL of Colorado, Mr. DINGELL, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) television can assist children in learning important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them;

(2) as part of their obligation to serve the public interest, television station operators and licensees should provide programming that serves the special needs of children;

(3) the financial support of advertisers assists in the provision of programming to children;

(4) special safeguards are appropriate to protect children from overcommercialization on television;

(5) television station operators and licensees should follow practices in connection with children's television programming and advertising that take into consideration the characteristics of this child audience; and

(6) it is therefore necessary to require the Commission to take the actions required by this Act.

SEC. 3. RULEMAKING REQUIRED.

(a) RULEMAKING ON COMMERCIAL TIME REQUIRED.—The Federal Communications Commission shall, within thirty days after the date of enactment of this Act, initiate a rulemaking proceeding to prescribe standards appli-

cable to commercial television broadcast licensees with respect to the time devoted to commercial matter in conjunction with children's television programming.

(b) REQUIREMENTS FOR STANDARDS.—The standards required by subsection (a) shall require commercial television broadcast licensees to limit the duration of advertising in children's programming, on and after January 1, 1990, to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays, except that, after January 1, 1993, the Commission shall have the authority—

(1) to review and evaluate the standards prescribed under this subparagraph; and

(2) after notice and public comment and a demonstration of the need for a modification of such standards, to modify such standards in accordance with the public interest.

(c) TIME FOR COMPLETION OF RULEMAKING.—The Commission shall, within one hundred and fifty days after the date of enactment of this Act, prescribe final standards in accordance with the requirements of subsection (b).

SEC. 4. CONSIDERATION OF CHILDREN'S TELEVISION SERVICE IN BROADCAST LICENSE RENEWAL.

The Federal Communications Commission shall consider, among the elements in its review of an application for renewal of a television broadcast license—

(1) whether the licensee complied with the standards required to be prescribed under section 3 of this Act; and

(2) whether the licensee has served the educational and informational needs of children in its overall programming.

○

COMMERCIAL TIME IN CHILDREN'S TELEVISION PROGRAMMING

September - December, 1988

A Study by
Action for Children's Television

Compiled January 1989

Action for Children's Television
20 University Road
Cambridge, Massachusetts 02138
(617) 876-6620

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: December 15, 1988

2:00 - 3:00 p.m.	Bugs Bunny & Friends//Adventures of Teddy Ruxpin	
	Commercial announcements	9:30
	Station promotions	1:50
	Voice-over promotions	0:16
3:00 - 4:00 p.m.	Smurfs' Adventures//C.O.P.S.	
	Commercial announcements	12:30
	Station promotions	1:20
	Voice-over promotions	0:10
4:00 - 5:00 p.m.	Woody Woodpecker & Friends//Real Ghostbusters	
	Commercial announcements	14:00
	Station promotions	0:40
	Voice-over promotions	0:15

Introduction

This study is based on a random survey of children's programming aired in the Boston area between September and December of 1988. Shows were monitored by Suzanne Bavly, Suzanne Bove, Sheila Connelly and Stephanie Muller.

Part I: Weekday Independent Stations Children's Programming

A. Commercial Minutes

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: November 17, 1988

2:30 - 3:30 p.m.	Adventures of Teddy Ruxpin/Smurfs' Adventures	
	Commercial announcements	13:40
	Station promotions	1:20
	Voice-over promotions	0:16
3:30 - 4:30 p.m.	C.O.P.S.//Woody Woodpecker & Friends	
	Commercial announcements	14:00
	Station promotions	1:20
	Voice-over promotions	0:14
4:30 - 5:30 p.m.	Real Ghostbusters//Brady Bunch	
	Commercial announcements	13:30
	Station promotions	1:35
	Voice-over promotions	0:06

Part I: Weekday Independent Stations Children's Programming

B: Listing of Commercials

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: November 17, 1988

2:30 - 3:30 p.m.

Product	Manufacturer	Time
Croonchy Stars cereal	Post	0:30
"Oliver & Company" and "Ernest Saves Christmas"	Disney/Touchstone Pictures	0:30
Snap Dragon game	Milton Bradley	0:30
Crossfire game	Milton Bradley	0:30
Color racers cars	Mattel	0:30
Crossfire game	Milton Bradley	0:15
Twister game	Milton Bradley	0:15
Baby Grows doll		0:30
Honeycomb cereal	Post	0:30
G.I. Joe toys	Hasbro	0:30
Solid Gold guitar		0:30
Guess Who game	Milton Bradley	0:15
Nosy Bears stuffed toy	Playskool	0:15
Hotel game	Milton Bradley	0:15
Life game	Milton Bradley	0:15
Atari Video Football	Atari	0:10
Footnotes walk-on piano		0:30
Pop Tarts	Kellogg's	0:30
Body Power Video game	Nintendo	0:30
Win By a Nose game		0:30
Maxie doll	Hasbro	0:30
Honeycomb cereal	Post	0:30
C.O.P.S. toys	Hasbro	0:15
G.I. Joe toys	Hasbro	0:15
Fireball Island game	Milton Bradley	0:30
Barbie doll and Beauty House	Mattel	0:15
Barbie's Ferrari car	Mattel	0:15
G.I. Joe	Hasbro	0:30
Smooshies stuffed toys	Fisher-Price	0:30
"Oliver & Company" and "Ernest Saves Christmas"	Disney/Touchstone Pictures	0:30
Battleship and Electronic Battleship games	Milton Bradley	0:30
Oh Nuts game		0:30
Cocoa Pebbles cereal	Post	0:30

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: November 17,1988

3:30 - 4:30 p.m.

Product	Manufacturer	Time
Connect 4 game	Milton Bradley	0:30
G.I. Joe	Hasbro	0:30
Snap Dragon game	Milton Bradley	0:30
Crossfire game	Milton Bradley	0:30
Battleship game	Milton Bradley	0:30
Animator 2000/Etch-a-sketch	Ohio Art	0:30
Solid Gold guitar		0:30
G.I. Joe	Hasbro	0:30
Animator 2000/Etch-a-sketch	Ohio Art	0:30
Battleship game	Milton Bradley	0:30
Hotel game	Milton Bradley	0:15
Life game	Milton Bradley	0:15
Dizzy Dizzy Dinosaur game	Pressman	0:30
Cabbage Patch Doll	Coleco	0:30
Hands Down game	Milton Bradley	0:30
Trouble game	Milton Bradley	0:15
Headache game	Milton Bradley	0:15
Dolly Surprise	Playskool	0:30
Pop Tarts	Kellogg's	0:30
Cocoa Puffs cereal		0:30
Tasty Bake Oven	H.G. Toys	0:30
"Oliver & Company"	Disney pictures	0:30
Fruit Loops	Kellogg's	0:30
Pee Wee's Playhouse Set	Matchbox	0:30
"Oliver & Company" and "Ernest Saves Christmas"	Disney/Touchstone Pictures	0:30
Guess Who game	Milton Bradley	0:15
Nosy Bears	Playskool	0:15
C.O.P.S. toys	Hasbro	0:15
Transformers Pretenders	Hasbro	0:15
Indy Turbo Racing Cars		0:30
Connect Four game	Milton Bradley	0:30
Footnotes Floor Piano		0:30

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: November 17, 1988

4:30-5:30 p.m.

Product	Manufacturer	Time
Legos	Legos	0:30
"Land Before Time" film		0:30
Animator 2000/Etch-a-sketch	Ohio Art	0:30
Dress-n-Dazzle kit	Tonka	0:30
Solid Gold guitar		0:30
Micro Machines	Galoob	0:30
Purrtenders	Fisher Price	0:30
Topple game		0:30
Baby Grows doll	Playmates	0:30
Playsounds stove	Playskool	0:30
Toys-R-Us toystore	Toys-R-Us	0:30
"Oliver and Company"	Disney films	0:30
Footnotes Floor Piano		0:30
Turbo Outlaw Cars	Tyco	0:30
Rigadoon dolls		0:30
Animator 2000/Etch-A-Sketch	Ohio Art	0:30
Hands Down game	Milton Bradley	0:30
Magnum 440 Racetrack	Tyco	0:30
Maxie Doll	Hasbro	0:15
Nosy Bears	Playskool	0:15
AeroTurbo Cars	Tyco	0:15
Race Cars	Tyco	0:15
Kaybee Toystores	Kaybee	0:30
Guess Who game	Milton Bradley	0:15
Nosy Bears	Playskool	0:15
Lucky Charms	General Mills	0:30
Pee Wee's Playhouse set	Matchbox	0:30
"Ernest Saves Christmas"	Touchstone/Disney	0:30
"Oliver and Company "	Pictures	
Teenage Mutant Ninja Turtles	Playmates	0:30
"High Spirits"	Tri-Star Films	0:30

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: December 15, 1988

2:00 - 3:00

Product	Manufacturer	Time
Sesame Street Live		0:30
Mr. Mouth game		0:15
Cabbage Patch Toddler dolls	Coleco	0:15
Lady Lovelylocks	Mattel	0:15
Little Miss Makeup	Mattel	0:15
Lucky Charms cereal	General Mills	0:30
Battleship game	Milton Bradley	0:30
Feelin' Fun Barbie	Mattel	0:30
Boppers		0:30
Ghostbusters firehouse	Kenner	0:30
Cinnamon Toast Crunch cereal		0:30
Animator 2000/Etch-a-Sketch	Ohio Art	0:30
C.O.P.S. Figures	Hasbro	0:15
G.I. Joe Figures	Hasbro	0:15
Honey Nut Cheerios	General Mills	0:30
Bed Bugs game	Milton Bradley	0:30
Crossfire	Milton Bradley	0:30
Fireball Island game	Milton Bradley	0:15
Torpedo Run	Milton Bradley	0:15
Honey Nut Cheerios	General Mills	0:30
Super Golden Crisp cereal	Post	0:30
Baby Heather doll	Mattel	0:30
Connect Four game	Milton Bradley	0:30

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: December 15, 1988

3:00 - 4:00

Product	Manufacturer	Time
Honey Smacks cereal	Kellogg's	0:30
NFL Starting Lineup	Kenner	0:30
Toys-R-Us	Toys-R-Us	0:30
Dolly Surprise	Playskool	0:30
Trouble/Double Trouble games	Milton Bradley	0:30
My Little Pony	Hasbro	0:15
Nosy Bears	Playskool	0:15
Twister game	Milton Bradley	0:30
Life game	Milton Bradley	0:30
Bed Bugs game	Milton Bradley	0:30
G.I. Joe	Hasbro	0:30
Transformers/Micromasters	Hasbro	0:30
Playsounds stove and sink	Playskool	0:30
Connect Four game	Milton Bradley	0:30
Lite Brite	Milton Bradley	0:30
Simon game	Milton Bradley	0:30
Starting Lineup figures	Kenner	0:30
Crossfire game	Milton Bradley	0:30
Faz makeup and jewelry	Hasbro	0:15
Pogo Ball Blaster	Hasbro	0:15
Ghostbusters figures	Kenner	0:15
Starting Lineup figures	Kenner	0:15
Hungry Hungry Hippos	Milton Bradley	0:15
Nosy Bears stuffed toys	Playskool	0:15
Dolly Surprise Doll	Playskool	0:30
Trix cereal	Kellogg's	0:15
Trix cereal promo	Kellogg's	0:15
Maxie doll	Hasbro	0:30
Playsounds stove and sink	Playskool	0:30
Mousetrap game	Milton Bradley	0:30

Station: WLVI-TV, Boston, Channel 56

Type: Independent

Date: December 15, 1988

4:00 - 5:00

Product	Manufacturer	Time
Guess Who game	Milton Bradley	0:30
Maxie doll	Hasbro	0:15
Nosy Bears	Playskool	0:15
G.I. Joe figures	Hasbro	0:30
Guess Who game	Milton Bradley	0:15
Nosy Bears	Playskool	0:15
Bed Bugs game	Milton Bradley	0:30
C.O.P.S. figures	Hasbro	0:15
G.I. Joe action set	Hasbro	0:15
Crossfire game	Milton Bradley	0:15
Twister game	Milton Bradley	0:15
Bed Bugs game	Milton Bradley	0:30
Maxie doll	Hasbro	0:15
Nosy Bears	Playskool	0:15
Head of the Class game	Milton Bradley	0:15
Operation game	Milton Bradley	0:15
Life game	Milton Bradley	0:30
Now You're Cooking set	Hasbro	0:30
Lucky Charms cereal	General Mills	0:30
Snap Dragon game	Milton Bradley	0:30
Crossfire game	Milton Bradley	0:15
Twister game	Milton Bradley	0:15
Mousetrap game	Milton Bradley	0:30
Dolly Surprise	Playskool	0:30
C.O.P.S. Figures	Hasbro	0:15
Tubaruba game		0:15
Crossfire game	Milton Bradley	0:30
Trouble game	Milton Bradley	0:15
Headache game	Milton Bradley	0:15
Sweet Roses Barbie furniture	Mattel	0:30
Legos	Lego	0:30
Lucky Charms cereal	General Mills	0:30
Hotel game	Milton Bradley	0:15
Life game	Milton Bradley	0:15
Transformers	Hasbro	0:30
Maxie doll	Hasbro	0:30
C.O.P.S. figures	Hasbro	0:15
Transformers	Hasbro	0:15
G.I. Joe action accessories	Hasbro	0:30

Part II: Weekend Network Children's Programming

A: Commercial Minutes

Network: ABC

Station: WPRI, Providence, R.I., Channel 12

Date: September 17, 1988

8:30 - 9:30 a.m.	New Adventures of Winnie the Pooh	
	Commercial announcements	11:00
	Station promotions	0:00
	Voice-over promotions	0:30
9:30 - 10:30 a.m.	Slimer! and the Real Ghostbusters	
	Commercial announcements	11:00
	Station promotions	0:00
	Voice-over promotions	0:30
10:30 - 11:30 a.m.	Pup Named Scooby Doo//Bugs Bunny & Tweety (Pt. 1	
	Commercial announcements	12:00
	Station promotions	0:00
	Voice-over promotions	0:22

Network: ABC

Station: WCVB, Boston, Channel 5

Date: November 19, 1988

8:30 - 9:30 a.m.	New Adventures of Winnie the Pooh	
	Commercial announcements	11:00
	Station promotions	0:13
	Voice-over promotions	0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 5, 1988

8:00 - 9:00 a.m.	Adventures of Raggedy Ann and Andy//Superman	
	Commercial announcements	10:00
	Station promotions	0:45
	Voice-over promotions	0:10
9:00 - 10:00 a.m.	Jim Henson's Muppet Babies	
	Commercial announcements	10:00
	Station promotions	0:38
	Voice-over promotions	0:10
10:00 - 11:00 a.m.	Pee-Wee's Playhouse//Garfield and Friends	
	Commercial announcements	9:30
	Station promotions	0:51
	Voice-over promotions	0:18
11:00 - 12:00 p.m.	Mighty Mouse: The New Adventures//Teen Wolf	
	Commercial announcements	10:00
	Station promotions	0:51
	Voice-over promotions	0:18

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 19, 1988

8:00 - 9:00 a.m.	Adventures of Raggedy Ann and Andy//Superman	
	Commercial announcements	10:00
	Station promotions	0:51
	Voice-over promotions	0:18
9:00 - 10:00 a.m.	Jim Henson's Muppet Babies	
	Commercial announcements	9:22
	Station promotions	0:52
	Voice-over promotions	0:10
10:00 - 11:00 a.m.	Pee-Wee's Playhouse//Garfield and Friends	
	Commercial announcements	9:30
	Station promotions	1:00
	Voice-over promotions	0:20

Network: ABC

Station: WPRI, Providence, R.I., Channel 12

Date: September 17, 1988

10:30-11:30

Product	Manufacturer	Time
Ghostbuster gun/proton pack	Kenner	0:30
Mc Donald's	McDonald's	0:30
Pocket Rockers	Fisher Price	0:30
Apple Jacks cereal	Kellogg's	0:30
Sensations Barbie	Mattel	0:30
Kool-Aid Sports Koolers	Kool-Aid	0:30
Sugar Smacks cereal	Kellogg's	0:30
Chips Ahoy cookies	Nabisco	0:15
Oreo cookies	Nabisco	0:15
Milk	American Dairy Farmers	0:30
Smooshies	Fisher Price	0:30
Dunkin Donuts cereal		0:30
Lady Lovelylocks doll	Kenner	0:30
Sugar Smacks cereal	Kellogg's	0:30
Tang drink		0:30
Instant Quaker Oatmeal	Quaker	0:30
Pop Tarts	Kellogg's	0:30
Captain Crunch Cereal	Quaker	0:30
Double Stuf Oreo Cookies	Nabisco	0:30
Mc Donald's	McDonald's	0:30
Teen Fun Skipper	Mattel	0:30
Wendy's Restaurant	Wendy's	0:30
Captain Crunch cereal	Quaker	0:30
Milk	American Dairy Farmers	0:30
Ghostbuster gun/proton pack	Kenner	0:30

Network: ABC

Station: WCVB, Boston, Channel 5

Date: November 19, 1988

8:30 - 9:30

Product	Manufacturer	Time
Fruity Pebbles cereal	Post	0:30
Barbie's Island Fun Hut	Mattel	0:30
Fruit Loops cereal	Kellogg's	0:30
Mc Donald's	Mc Donald's	0:30
Purrtenders	Fisher Price	0:30
Eggo Frozen Waffles		0:30
Mc Donald's	Mc Donald's	0:30
Pop Tarts	Kellogg's	0:30
M and M's	M and M/Mars	0:30
Pizza Party game	Parker Brothers	0:30
Legos toys	Legos	0:30
Fruit Loops	Kellogg's	0:30
Nerf Fencing	Parker Brothers	0:30
Purrtenders	Fisher Price	0:30
Videogame systems	Sega	0:30
Smooshies	Fisher Price	0:30
M and M's	M and M/Mars	0:30
Mc Donald's	Mc Donald's	0:30
Sweetheart Skipper	Mattel	0:30
Sorry game		0:15
Nerf Golf	Parker Brothers	0:15
Sugar Corn Pops	Kelloggs	0:30
Legos	Lego	0:30

Part II: Weekend Network Children's Programming

B: Listing of Commercials

Network: ABC

Station: WPRI, Providence, R.I., Channel 12

Date: September 17, 1988

8:30 - 9:30 a.m.

Product	Manufacturer	Time
Sensations Barbie	Mattel	0:30
Sugar Smacks cereal	Kellogg's	0:30
Smooshies	Fisher Price	0:30
Fruity Pebbles cereal	Post	0:30
Apple Jacks cereal	Kellogg's	0:30
Fashion Star Fillies	Kenner	0:30
Crunchberry cereal	Quaker	0:30
Mc Donald's Chicken McNuggets	Mc Donald's	0:30
Lady Lovelylocks doll	Mattel	0:30
Kool-Aid Sports Koolers	Kool-Aid	0:30
Wendy's Kids Meal	Wendy's	0:30
Lady Lovelylocks doll	Mattel	0:30
Instant Quaker Oatmeal	Quaker	0:30
Pop Tarts	Kellogg's	0:30
Teen Fun Skipper doll	Mattel	0:30
Crunchberry cereal	Quaker	0:30
Barbie and Sensations dolls	Mattel	0:30
Chips Ahoy Cookies	Nabisco	0:15
Oreo Big Stuf cookies	Nabisco	0:15
Fashion Star Fillies	Kenner	0:30
Honey Smacks cereal	Kellogg's	0:30
McDonald's	McDonald's	0:30
Wendy's Kids Meal	Wendy's	0:30

Network: ABC

Station: WPRI, Providence, R.I., Channel 12

Date: September 17, 1988

9:30 - 10:30

Product	Manufacturer	Time
Smooshies	Fisher Price	0:30
Fruit Loops cereal	Kellogg's	0:30
California Dream Barbie doll	Mattel	0:30
Kool-Aid Sports Koolers	Kool-Aid	0:30
Wish World Kids	Kenner	0:30
Quaker Instant Oatmeal	Quaker	0:30
Applejacks cereal	Kellogg's	0:30
Teen Fun Skipper doll	Mattel	0:30
Mc Donald's New Song	Mc Donald's	0:60
Dinersaurs cereal	Ralston Purina	0:30
California Dream Barbie Doll	Mattel	0:30
Captain Crunch cereal	Quaker	0:30
Frosted Flakes cereal	Kellogg's	0:30
Wish World Kids	Kenner	0:30
Lady Lovelylocks	Mattel	0:30
Croonchy Stars cereal	Post	0:30
Mc Donald's	Mc Donald's	0:30
Pop Tarts	Kellogg's	0:30
Smooshies	Fisher Price	0:30
Wendy's Restaurant	Wendy's	0:30
Milk	American Dairy Farmers	0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 5, 1988

8:00 - 9:00

Product	Manufacturer	Time
Fashion Star Fillies	Kenner	0:30
Super Golden Crisp cereal	Post	0:30
Fun Fruits snack	Sunkist	0:30
Corn Pops cereal	Kellogg's	0:30
Lady Lovelylocks	Mattel	0:30
Hot Potato game		0:30
Fruit Juicers candy	Life Savers	0:15
Oreo cookies	Nabisco	0:15
Cocoa Pebbles cereal	Post	0:30
Legos	Lego	0:30
Fun Fruits snacks	Sunkist	0:30
Star Stage	Fisher Price	0:30
Perfume Pretty Barbie	Mattel	0:30
Corn Pops cereal	Kellogg's	0:30
Nerf Fencing	Parker Bros.	0:30
Always Sisters dolls		0:30
Oliver & Company	Disney	0:30
Cocoa Pebbles cereal	Post	0:30
Fashion Star Fillies	Kenner	0:30
Mc Donald's	Mc Donald's	0:30
"Land Before Time" film		0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 5, 1988

9:00 - 10:00

Product	Manufacturer	Time
Island Fun Barbie	Mattel	0:30
Alpha Bits cereal	Post	0:15
Honeycomb cereal	Post	0:15
Shot Buster game	DP	0:30
Hot Potato game		0:30
Breakfast cereals	Kellogg's	0:30
Milk	Milk Producers Assoc.	0:30
Star Stage	Fisher Price	0:30
Teddy Grahams snacks	Nabisco	0:30
Hot Potato game		0:30
Legos	Lego	0:30
Fruit snacks	Fruit Corners	0:30
Wish World Kids	Kenner	0:30
Rice Krispies cereal	Kellogg's	0:30
Mc Donald's	Mc Donald's	0:30
Fruit Juicers candy	Life Savers	0:15
Oreo cookies	Nabisco	0:15
Campbell's soup	Campbell's	0:30
"The Land Before Time" film		0:30
My Little Pony	Hasbro	0:15
Scoots scooter		0:15
Teddy Grahams snacks	Nabisco	0:30
Legos	Lego	0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 5, 1988

10:00 - 11:00

Product	Manufacturer	Time
Fashion Star Fillies	Kenner	0:30
Corn Pops	Kellogg's	0:30
My Little Pony	Hasbro	0:15
Scoots scooter		0:15
Teddy Grahams	Nabisco	0:30
Honeycomb cereal	Post	0:30
Hot Potato game		0:30
"Ernest Saves Christmas" Film	Touchstone Pictures	0:30
Alpha Bits cereal	Post	0:30
Mc Donald's	McDonald's	0:30
Legos	Lego	0:30
Golden Crisp cereal	Post	0:30
Lady Lovelylocks doll	Mattel	0:30
Pop Tarts	Kellogg's	0:30
Nerf Fencing	Parker Bros.	0:30
Instant Quaker Oatmeal	Quaker	0:30
Twix candy bars		0:30
"Oliver & Company" film	Disney	0:30
Ghostbusters gun	Kenner	0:30
Legos	Lego	0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 5, 1988

11:00 - 12:00

Product	Manufacturer	Time
Little Miss Makeup doll	Mattel	0:30
"Oliver & Company" film	Disney	0:30
Fun Fruits	Sunkist	0:30
Always Sisters dolls		0:30
Campbell's soup	Campbell's	0:30
Wish World Kids dolls	Kenner	0:30
Cocoa Pebbles	Post	0:30
Mc Donald's	Mc Donald's	0:30
Mc Donald's	Mc Donald's	0:30
Pizza Party game	Parker Brothers	0:30
Corn Pops cereal	Kellogg's	0:30
Pop Tarts	Kellogg's	0:30
My Little Pony	Hasbro	0:15
Scoots scooter		0:15
Teddy Grahams	Nabisco	0:30
Island Fun Barbie	Mattel	0:30
"Oliver & Company" film	Disney	0:30
Hot Potato game		0:30
Lady Lovelylocks	Mattel	0:60
Video Games System	Sega	0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 19, 1988

8:00 - 9:00

Product	Manufacturer	Time
Fruit Loops cereal	Kellogg's	0:3[illegible]
Dress-n-Dazzle kit	Tonka	0:3[illegible]
Purrtenders stuffed toys	Fisher Price	0:3[illegible]
Campbell's soup	Campbell's	0:3[illegible]
Dynamite game	Parker Brothers	0:3[illegible]
Perfume Pretty Barbie	Mattel	0:3[illegible]
Croonchy Stars cereal	Post	0:3[illegible]
Dynamite game	Parker Brothers	0:3[illegible]
Dress-n-Dazzle kit	Tonka	0:3[illegible]
Legos	Lego	0:3[illegible]
Honeycomb cereal	Post	0:3[illegible]
Maxie doll	Hasbro	0:3[illegible]
Videogames	Sega	0:3[illegible]
Fruit Loops	Kellogg's	0:3[illegible]
Doctor Barbie	Mattel	0:3[illegible]
"Oliver & Company" film	Disney	0:3[illegible]
Dynamite game	Parker Brothers	0:3[illegible]
Campbell's soup	Campbell's	0:3[illegible]
M and M's candy	M and M/Mars	0:3[illegible]
Two-T-Fruits snack	Sunkist	0:3[illegible]

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 19, 1988

9:00 - 10:00

Product	Manufacturer	Time
Smooshies	Fisher Price	0:22
Berry Bears snack	Fruit Corners	0:30
Dynamite game	Parker Brothers	0:30
Barbie's Island Fun Hut	Mattel	0:30
Mc Donald's Birthday Parties	Mc Donald's	0:30
Sugar Corn Pops cereal	Kellogg's	0:30
Dynamite game	Parker Brothers	0:30
Honeycomb cereal	Post	0:30
Dress-n-Dazzle kit	Tonka	0:30
Christmas Crunch cereal	Quaker	0:30
"Oliver & Company" film	Disney	0:30
Mc Donald's	McDonald's	0:30
Dynamite game	Parker Brothers	0:30
Sugar Corn Pops cereal	Kellogg's	0:30
Lego game sets	Lego	0:30
Pop Tarts	Kellogg's	0:30
Little Miss Makeup	Mattel	0:30
Fruity Pebbles cereal	Post	0:30
Lego game sets		0:30

Network: CBS

Station: WNEV, Boston, Channel 7

Date: November 19, 1988

10:00 - 11:00

Product	Manufacturer	Time
Sugar Corn Pops cereal	Kellogg's	0:30
Mc Donald's	Mc Donald's	0:30
Barbie Furniture	Mattel	0:30
Colgate Junior Toothpaste	Colgate	0:30
Shotbuster Basketball set	DP	0:30
Purrtenders Stuffed Toy	Fisher Price	0:30
Milk	American Dairy Farmers	0:30
Fashion Star Fillies	Kenner	0:30
Two-T-Fruits	Sunkist	0:30
Fruit Loops cereal	Kellogg's	0:30
Videogames	Sega	0:30
Chips Ahoy cookies	Nabisco	0:30
Sugar Corn Pops	Kellogg's	0:30
Hot Wheels	Mattel	0:30
Dynamite game	Parker Bros.	0:30
Shark Bites snacks	Fruit Corners	0:30
"Oliver & Company" film	Disney	0:30
Star Stage	Fisher Price	0:30
Chuck E. Cheese restaurant	Chuck E. Cheese	0:30

Part III: Weeknight Prime Time Network Programming

A: Commercial Minutes

Network: ABC

Station: WCVB, Boston, Channel 5

Date: January 12, 1989

8:00 - 9:00 p.m.	Knightwatch	
	Commercial announcements	8:00
	Station promotions	2:58
	Voice-over promotions	0:26
9:00 - 10:00 p.m.	Dynasty	
	Commercial announcements	8:00
	Station promotions	2:35
	Voice-over promotions	0:15

Mr. MARKEY. The Chair now turns to recognize the gentleman from Kansas, Mr. Slattery, a member of the subcommittee.

Mr. SLATTERY. Thank you, Mr. Chairman.

I'd like to just briefly commend you for your leadership in moving this legislation forward in a very expeditious fashion this session, and I would like to also commend my colleagues on this committee who have really demonstrated some real positive leadership: Congressmen Bryant, and Terry Bruce, and Matty Rinaldo, and all the others who have played a key role in this. I know that we are all anxious to hear from the witnesses this morning, as am I.

I would like to particularly welcome Dr. John Murray, a constituent of mine, who is chairman of the Department of Human Development and Family Studies at Kansas State University in Manhattan, Kansas. We look forward to the comments from all of you this morning, and I appreciate you traveling and taking the time from your busy schedules to be here with us this morning.

Again, Mr. Chairman, I appreciate your leadership. I see today's action as a first step in reversing a mistake that President Reagan made when he vetoed the bill that we passed last year. This legislation is far from being radical in any sense of the word. What we are talking about are some very reasonable limitations on the amount of advertising during children's programs. Children are watching 200,000 commercials before they are age 18, and they spend more time in front of that television than they do in the classrooms of this country. It seems to me the least we can do is to try and do something modest like this to improve the quality of this television that they are watching, just in some modest way, consistent with the first amendment in this country.

So, again, I commend your leadership, Mr. Chairman, and I look forward to the comments of the witnesses here today, and I yield back any time that I might have.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Illinois, one of the prime cosponsors of the legislation, Mr. Bruce.

STATEMENT OF HON. TERRY L. BRUCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. BRUCE. Thank you, Mr. Chairman, for allowing me to be with the subcommittee this morning.

I am pleased to join you, the chairman and my colleagues, Mr. Bryant, Mr. Rinaldo, and other members of the subcommittee who are supporting the Children's Television Practices Act as we begin the process of returning this legislation to the White House.

Mr. Chairman, the road to deregulation under former President Reagan was usually bumpy but often beneficial, at least at first. However, as Congress and the administration drove toward deregulation, we oftentimes took wrong turns, and that is the case with the FCC's decision to deregulate television for children.

While I do not expect television broadcasters to fill the educational responsibility of parents and schools—that's our responsibility—broadcasters must not forget, even in an era of Government's rush to deregulate, that by virtue of their acceptance of a television

broadcast license they have agreed to a wide array of public trust responsibility, and foremost among those responsibilities, I believe, is a clear obligation to provide relevant programming beneficial to children's intellectual development, and this bill guarantees that speech on the public airwaves will not be driven solely by economic and commercial considerations.

Expression on the airwaves should require imagination, entertainment, education, and creativity, not a big budget from toy sales.

In his November veto message, President Reagan claimed that the bill simply cannot be reconciled with the freedom of expression secured by our Constitution. But this same administration correctly, I believe, did not quarrel with the FCC's decision to ban obscene shows when children are watching, and when dealing with the public airwaves this is clearly within our rights, and there are strong parallels between the need to keep children from exposure to obscenity and the need to keep children from exposure to excessive and misleading advertising. We have historically as a country moved to protect children from exploitation, and we should continue on that course.

Deregulation sometimes proves useful when adults are making the decisions, but when children are involved Government should be concerned, and we restart today the process of improving children's television. I hope this legislation quickly passes both Houses and is signed by President Bush. The children deserve it; they deserve the best, and we should offer them no less.

I would like to thank my colleague who has joined us, Mr. Bryant from Texas. He and I put this legislation together, he longer in the vineyards than myself. I appreciate the fact that we have combined his legislation and mine. He has been an advocate, and I appreciate the strong efforts he has had to push children's television to the forefront of congressional concerns.

I would also like to thank the chairman, Mr. Markey, who has, from time to time, prodded us to make the needed concessions to get this legislation on the agenda so that it will be on the floor; to Mr. Rinaldo, who, at a critical time last year, was able to strike the bargain and work with the interested parties and spent a great deal of time on legislation that is important to children but became important to Mr. Rinaldo; to Peggy Charren, who sits at the witness table, for her concern; to the National Association of Broadcasters, who last year were the leaders in trying to forge the different compromises that had to be made; to the National PTA; NEA; and dozens of other organizations that have shown interest in this legislation.

I thank the chairman and yield back any additional time I might have.

[The opening statement of Mr. Bruce follows:]

STATEMENT OF HON. TERRY L. BRUCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

The road to deregulation under former President Reagan was usually bumpy but often beneficial—at least at first. The immediate benefits of deregulation were spirited competition which often led to waste-cutting by business and lower prices for consumers. However, as Congress and the administration drove toward deregulation

we sometimes took wrong turns. That is the case with the FCC's decision to deregulate television for children.

In its attempts to improve competition and quality in children's television, the FCC unwittingly did just the opposite. By allowing commercials to expand into program-length formats, they significantly reduced the quality of children's television. While the pay-per-show arrangement worked well for television stations and toy manufacturers, children suffered. A program was no longer shown on the basis of the viewership it could attract, it was shown on the financial backing it could bring to production.

That is not right. We owe our children a better deal and this legislation provides a better deal. I was disappointed when President Reagan pocket-vetoed the Children's Television Act last year, but I am delighted to join Congressmen Bryant, Rinaldo and Markey in once again pursuing better television for children. This bill guarantees that speech on the public airwaves does not need manufacturing backing.

Expression on our airwaves should require imagination, entertainment, education and all of our best creativity, not a big budget from toy sales.

In his November veto message, former President Reagan claimed that "The bill simply cannot be reconciled with the freedom of expression secured by our Constitution." This same administration—correctly—did not quarrel with an FCC decision to ban obscene shows when children are watching. When dealing with the public airwaves, this is clearly within our rights. Parallels are strong between the need to keep children from exposure to obscenity and the need to keep children from exposure to excessive and misleading advertising. This country has historically moved to protect children from exploitation and we should continue with that course.

I have been pleased by the genuine concern shown by groups on all sides of the children's television issue and want to particularly praise action for children's television and the National Association of Broadcasters for their efforts on this legislation.

Deregulation can prove useful when the decision-making process is left to adults, but when children are involved, Government should be concerned. Today, we restart the process of improving children's television. I hope that this legislation quickly passes both Houses of Congress and is signed by President Bush. Our children deserve the best and we should offer them no less.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from New Jersey, the ranking minority member and prime cosponsor of the legislation, Mr. Rinaldo.

Mr. RINALDO. Thank you very much, Mr. Chairman.

I have a short statement. I am going to make it a little shorter in view of the very prestigious panel of witnesses we have. I know they are all in favor of this legislation, which is certainly a good sign, particularly in view of the fact that America's young people watch about 20 hours of TV a week, as much as 15,000 hours by the time they are 16 years of age, and there is little doubt that television can influence children in ways that can cause parents great concern.

Unfortunately, in many cases television competes with the family and the classroom for the attention of children. Television has great potential to educate and entertain children, but too often that potential has been lost. Although there are bright spots, too much children's programming now is commercially oriented to toys, games, and cereals, and not the good cereals either in many cases.

Since the FCC got rid of its commercial time guidelines 5 years ago, the number of commercials aired during children's programs has noticeably increased. Last year, congressional concern with this situation boiled over. This subcommittee became convinced that it had to intervene to make sure that broadcasters' special obligation to their child audiences was being fulfilled. The result of that sub-

committee effort was the Children's Television Act, which was reintroduced yesterday by myself, my colleagues John Bryant, Terry Bruce, and a number of others.

The bill is a carefully crafted bipartisan compromise. It passed the House last year overwhelmingly and was approved by the Senate by voice vote. The bill would set reasonable time guidelines for children's television advertising and guarantees that TV stations will continue to have maximum flexibility in programming for their child audiences. I hope it will continue to have the wide support it enjoyed in Congress and from the industry, and it got that support from the industry because it is a fair bill, it is a reasonable piece of legislation, and it doesn't really mandate any hardships on anyone.

The underlying purpose of the legislation, in fact, should be emphasized so there is no doubt in the mind of the public or the industry about what it will accomplish. The bill simply reaffirms the essential obligation of television stations to serve just children and not just entertain them. TV licensees unquestionably have that obligation, and Federal courts have recognized its legitimacy.

The bill does not impose additional obligations or increase the regulatory burden on broadcasters. It is not a cure-all or panacea. It identifies particular problems with children's programming and corrects them with a minimum of interference from the Government. More sweeping children's TV legislation dealing with subjects like program length, commercials, and other subjects have been discussed many times, most recently by the Senate in their debate on last year's bill. I hope that the industry will demonstrate to us that further legislation will not be necessary. To make sure of that, TV stations, networks, and program producers should make every effort to improve their children's TV programming in substantive ways.

The industry should not forget that more is at stake with children's television than just entertainment. It has a profound effect on the development of this Nation's most precious resource, its children, its young people. Broadcasters and guardians of the public airwaves in that position also become guardians of the Nation's children.

We are all striving to improve America's competitiveness. We are striving to improve and better our quality of life. In that spirit, broadcasters should make a serious attempt to improve the quality of children's TV programming as part of their public service obligation. I'm sure that not even the industry itself would say that television is doing everything it can to develop and air children's programming that enlightens as well as entertains.

We have not yet seen enough effort, enough innovation, from the industry as a whole to find and stake out that important middle ground in children's TV programming. There is a vast, unexplored territory between children's TV shows that are purely educational and those that are purely entertainment. Bridging that gap, airing programming that is good and which gives kids the kind of value that is important is the real challenge facing the television industry today. I hope that bridge can be gapped; I hope that this bill fulfills its purpose, and I also hope that no additional direction or legislation from Congress is needed.

Mr. Chairman, thank you very much. I appreciate your efforts and your leadership on this particular issue and yield back the balance of my time.

Mr. MARKEY. I thank the gentleman very much.

The Chair recognizes the prime cosponsor, the gentleman from Texas, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman.

I think that everything has been said not just at this hearing but at all of the other hearings that we have had over the years on this matter already, and I don't want to take everyone's time repeating it all.

I just want to say a profound thank you to you, Mr. Chairman, for persisting and pushing this bill forward to the front of the agenda, and also to Mr. Rinaldo for making this a bipartisan effort by his sponsorship and continued support. And real special thanks also to Peggy Charren for having led the effort to keep the heat on all of us and making this thing not only possible but interesting to the public; and people like Bob Keeshan, who has come up here over and over in the last few years to stand in groups of people and add a little celebrity status to our efforts; it has been very, very important in making it possible.

I think the bill is different today only in one respect. It is not different than last year's, it's the same as last year's, but over the years we had not included the provision regarding children's advertising. Terry Bruce brought that forward and made it a part of this bill.

So we have two major steps forward today, not only the effort to restrict children's advertising but also to place into our law a standard, a national standard, that people with broadcast licenses have the obligation to address children's needs, and that we are going to judge their license renewal application accordingly. I think that is a great step forward, and it has been made possible by the people I have mentioned and by so many folks who are here today.

I am also pleased to say that I'm not the only Texan involved in this. We also have Bill Castleman—really from Texas, although I think he is sort of on temporary loan to Atlanta, sitting up here today.

Thank you very much. I yield back my time, and ask unanimous consent for my full statement to appear in the record.

[The opening statement of Mr. Bryant follows:]

OPENING STATEMENT OF HON. JOHN BRYANT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

I am pleased that my colleagues here this afternoon and I are again offering a sound legislative compromise to ensure substantial improvement in the quality of children's television programming with a minimum of commercialization.

Unfortunately, we are here today because identical legislation, passed by the House and the Senate, was vetoed by President Reagan during the final days of the 100th Congress last year. That veto was a tragedy for American families and the future of our children, but our presence here is testimony to the importance and resilience of this issue.

With the strong and essential support of Matt Rinaldo and Terry Bruce, I am again introducing legislation which combines two important concepts: reinstatement of the previous Federal Communications Commission (FCC) limitations on commercial advertising during children's programs to 10.5 minutes per hour during weekends and 12 minutes per hour during the week; and a requirement that the Com-

mission consider, at license renewal, whether broadcast licensees have adequately committed to and served the educational and informational needs of children in its overall programming.

I have traditionally supported much stronger programming standards. I believe commercial broadcasters should—at a bare minimum—air 7 hours a week of educational and informational programming to meet the needs of children 12 years old and younger.

One theme which has been echoed time and again by parents, educators and child development specialists is that television is a powerful force in our society—a power most influential on our children.

While I do not expect the television broadcaster to fulfill the educational responsibility of parents and schools, broadcasters must not forget or ignore—even in this era of government's rush to deregulate—that, by virtue of their acceptance of a television broadcast license, they have agreed to an array of public trust responsibilities.

Foremost among these responsibilities to serve the public interest, I believe, is the clear obligation to provide relevant programming beneficial to our children's intellectual development, not just commercials, cartoons, and pabulum.

And, in order to protect our children from over-commercialization, we must strictly limit the amount of commercial time allowed during programs aimed at them. None of us wants our children to be used or taken advantage of whether it is by bullies in a schoolyard or advertisers on television.

Since today's FCC prefers to rely on clearly inadequate 'marketplace competition' rather than rules or regulations to insure that broadcasters meet their public interest obligations to kids, the legislation we will report from the Subcommittee on Telecommunications is absolutely essential. It imposes the restraint that neither the current FCC nor many broadcasters have demonstrated on their own. The limits we propose are reasonable—necessitated by the over-commercialization of children's programming, including the advent of program-length commercials.

The public interest, rather than commercial interests, demands informative programming that turns on a child mind, not his or her sweet tooth—or desire for the latest fad toy.

While I am disappointed that specific daily programming requirements were dropped as a part of this compromise, I do recognize the importance of requiring the Federal Communications Commission to review a station's commitment to serving children's programming needs at license renewal time.

It is unfortunate that we must remind the FCC, by enacting legislation, that the public interest it is assigned to protect includes children.

It is my intent—in offering this legislation—that stations which fail to provide a reasonable amount of quality programming with strict advertising limits specifically for children should not only be in jeopardy of losing, but actually lose, their licenses at renewal.

On the whole, this legislation is a noble effort to improve children's television programming and prevent further commercialization, contrary to children's interest.

I commend my colleagues Matt Rinaldo and Terry Bruce for their untiring efforts to craft this legislative compromise. I thank our chairman, Mr. Markey, for his efforts during the extended negotiations which he conducted with the industry to achieve this compromise last year.

I trust that the support of the numerous groups which promote the education, physical, emotional, and mental health and general welfare of our children will persuade our new President that this small step forward for quality children's television fits into his program as a "kinder and gentler" President who responds to family concerns that will build a "kinder and gentler" America.

Mr. MARKEY. I thank the gentleman very much, and the gentleman is right, we have had this discussion before, but, as a wise man once said, everything has been said but not everyone has said it yet. So we are going to, one final time, give everyone a shot at talking.

The Chair recognizes the gentleman from California, Mr. Moorhead.

Mr. MOORHEAD. Well, Mr. Chairman, we have taken a long time in working on this particular legislation, and apparently we have a bill now that is basically supported by the broadcasters as well as

those people who are extremely concerned about our children and about our ability to improve the quality of television that they see.

I wish to join the others in complimenting Mr. Keeshan in the work he has done on television. We really appreciate it. I know kids have grown up with it. To some extent, I feel that I have grown up with you, too.

What our children see and what they hear will have a great deal to do with the kind of people they become. Anything that we can do to improve that will be to our benefit and to the benefit of our country.

So while I have some misgivings about legislation of this sort, I intend to support the legislation.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Ohio, Mr. Oxley.

Mr. OXLEY. I have no opening statement. Thank you, Mr. Chairman.

Mr. MARKEY. Great. Well, that completes the time for opening statements by members, and now we will turn to our panel.

Our panel consists of, from my right to left, Mr. William Castleman, who is executive vice president and chief operating officer of Act III Broadcasting, Incorporated, which is owned by Norman Lear. Mr. Castleman is representing the Association of Independent Television Stations.

Our next witness is Mr. Dan Anderson. He is from the Department of Psychology at the University of Massachusetts at Amherst. Mr. Anderson wrote a report that the Department of Education released last year entitled "The Impact on Children's Education: Television's Influence on Cognitive Development."

Our next witness is Mr. Glenn Wright, who is the executive vice president and general manager of KIRO-TV in Seattle. Mr. Wright is here today representing the National Association of Broadcasters.

The next witness is Ms. Peggy Charren, who is the president of Action for Children's Television. Peggy is and has been a dynamic and tireless public interest spokeswoman before this committee and across the country over the last 20 years.

Next is Mr. Robert Keeshan, from Robert Keeshan and Associates. He is Captain Kangaroo, and he has been involved in educational programming for children for years, dating back to his long-running show and, as Mr. Bryant has pointed out, he has actively lobbied for legislation of this nature for years.

Next is Dr. John Murray, who is the chairman of the Department of Human Development and Family Studies at Kansas State University. He is a member of the American Psychological Association's Children's Television Task Force. He spent 6 years teaching and doing research in Australia while the country's present system of regulations was being implemented.

Dr. DeWitt Helm, president of the Association of National Advertisers, here representing that organization today; and Dr. Helen Boehm, vice president for Children's Advertising Review Unit, called CARU, which is a self-regulatory agency for review of all advertising on children's television.

So we have a very distinguished panel here today.

Why don't we begin with you, Mr. Castleman, and then we will go across. I would ask each of you to keep your opening statements to 5 minutes or less, and we will enforce that, so please try to, in a self-regulatory mode, keep your comments under that limit, and then I can promise you there is great interest on our subcommittee in being able to conduct a vigorous question and answer period.

Let's begin with you, Mr. Castleman.

STATEMENTS OF WILLIAM P. CASTLEMAN, VICE PRESIDENT, ACT III BROADCASTING, ON BEHALF OF ASSOCIATION OF INDEPENDENT TELEVISION STATIONS; DANIEL R. ANDERSON, PSYCHOLOGY DEPARTMENT, UNIVERSITY OF MASSACHUSETTS; GLENN WRIGHT, VICE PRESIDENT, KIRO-TV, ON BEHALF OF NATIONAL ASSOCIATION OF BROADCASTERS; ROBERT KEESHAN, ROBERT KEESHAN & ASSOCIATES; JOHN P. MURRAY, PROFESSOR, DEPARTMENT OF HUMAN DEVELOPMENT AND FAMILY STUDIES, KANSAS STATE UNIVERSITY; DEWITT F. HELM, JR., PRESIDENT, ASSOCIATION OF NATIONAL ADVERTISERS, INC.; HELEN L. BOEHM, VICE PRESIDENT, CHILDREN'S ADVERTISING REVIEW UNIT, COUNCIL OF BETTER BUSINESS BUREAUS, INC., AND PEGGY CHARREN, PRESIDENT, ACTION FOR CHILDREN'S TELEVISION

Mr. CASTLEMAN. Thank you, Mr. Chairman, and thank you for inviting me here today.

Act III Broadcasting currently owns six television stations, all independents, and we are getting ready to close on a seventh within the next week. Act III Broadcasting is a subsidiary company of Act III Communications, which is principally owned by Norman Lear and serves as our chairman of the board. Mr. Lear recently formed Act III Television, and Act III Television will do two things: One, it will develop and produce situation comedies, for which Mr. Lear is so famous; and, two, we will develop and produce quality children's programming for both the networks as well as independent television stations.

I wish to accomplish three things in the short time I have available; that is, to state INTV's position regarding this legislation before you, generally describe independent television's role in the area of children's programming, and tell you a little bit about what we at Act III are doing to serve the public and particularly the children.

The position of independent television broadcasters is that we favor the ideals embodied in H.R. 3966. We also favor self-regulation over Government intervention. We have supported the bill introduced by Representatives Tauke and Swift which would grant a limited antitrust exemption to broadcasters to create a framework for self-regulation.

We at Act III and many other broadcasters are doing that right now. For example, Monday through Friday, from 7 a.m. to 9 a.m. in the morning and 3 p.m. to 5 p.m. in the afternoon, Act III stations air only 6 minutes' worth of commercials per half hour. We air no PG or R-rated movies in children's time periods. We screen all children's programs and most commercials before they go to air, and we promote only kids' programming and children's programs.

But in a cooperative effort with this committee, which has no jurisdiction over antitrust laws, we supported H.R. 3966 last year, and we support the new bill as well.

We have an obligation to our viewers, some of whom depend on cable for reception of our signal. In order for us to fulfill our obligation under this bill as well as under our license, our viewers must be able to view our television stations, and independent stations can no longer be allocated to the basement of cable channel positioning. We just want an even chance to be able to serve our communities as we are licensed to do.

Independent television maintains an important role in children's television. Both independent TV and children have been around for a long time. Broadcasters were not responsible for the elimination of the NAB Code or the FCC program guidelines. Many stations continue, even today, to subscribe to some of those limitations, as pointed out in that code.

We are the first to know when an audience is dissatisfied with what we air, either an adult audience or a kids audience. They call us. We are the ones that have to answer the questions, and we are the ones that have to view the commercials and view the programs to determine whether or not they are fit for air.

Most independents program 4 to 5 hours a day for children plus a couple of hours on the weekends. Kids mean a lot; we take them seriously. But children want to be entertained, and parents want them to be educated and informed, and we are trying to do both.

Kids will not watch television if there is not some form of entertainment. I think that has been proven over the years. But TV's responsibility to adults, and especially to children, is awesome. We embrace the CARU guidelines for children's commercials within children's programming.

We at Act III Broadcasting are developing a literacy campaign to begin this fall which will last at least 1 or 2 years, and there will be two campaigns, one for adults and one for children. This campaign will have many facets to it, and some of it might be commercial, but the bottom line is that we are going to try, in our markets, to attack the illiteracy problem and attack it diligently.

We are concerned, as you are; we want what you want; and we thus support this legislation.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you.

[The prepared statement of Mr. Castleman follows:]

Testimony of

WILLIAM P. CASTLEMAN
Executive Vice President
and
Chief Operating Officer
ACT III BROADCASTING

On Behalf of

THE ASSOCIATION OF INDEPENDENT TELEVISION STATIONS

Mr. Chairman, Members of the Subcommittee, my name is William P. Castleman and I am the Executive Vice President and Chief Operating Officer of Act III Broadcasting. Act III operates seven Independent television stations, located in Charleston, West Virginia; Dayton; Winston-Salem; Richmond; Charleston, South Carolina and Rochester, New York. I'm appearing before you this morning on behalf of INTV -- The Association of Independent Television Stations.

Last year, Mr. Chairman, you and Mr. Rinaldo worked closely with all broadcasters to develop H.R. 1966, The Children's Television Practices Act of 1988. Like you, we were disappointed when that legislation was vetoed. However, this is a new year and INTV stands ready to work with this subcommittee to pass similar legislation. I would also note that the INTV Board of Directors has also voted to endorse Congressman Tauke's bill, H.R. 823, which would grant broadcasters an antitrust exemption to develop voluntary guidelines such as those contained in the old NAB code. In short, we are amenable to either approach.

Before turning to your bill, Mr. Chairman, I think it would be instructive to give the subcommittee a little background on the role Independent stations play in children's television.

The concerns which obviously underlie this legislation are extremely important to me both as a parent and as a businessman operating seven TV stations which actively seek young viewers. While balancing the responsibilities of both these roles may require special attention, they are certainly not mutually exclusive. In the time available to me this morning, I'd like to talk about the role of Independent television in children's programming, as well as some of the specific steps INTV has taken, and Act III has taken, to assure a responsible approach to serving our young viewers.

Over the last 20 years, substantial progress has been made in the area of children's television, and the Independent stations deserve much of the credit. In 1974, the FCC released its landmark report on the status of children's television. At the time, the Commission focused primarily on the need to increase the amount

of programming designed for, and directed at, children. I don't think anyone would argue today that quantity is the problem. Independent stations, on average, provide far more children's programming than do network affiliated stations. While in 1976 there were only 79 Independent stations, today there are over 300. As a consequence of this growth, the quantity and variety of programming for kids is at an all time high. And unlike cable or VCR's, local television stations provide this programming to all Americans free of charge. Therefore, I think it's important to remember that because of the growth in the number of Independent stations and their unique role in providing substantial amounts of children's programming, policy makers, such as the members of this subcommittee, now have the luxury of moving from the issue of program quantity to program quality -- a most difficult word to define as it relates to television and individual tastes.

Obviously, Independent stations do not devote major portions of their programming day to children merely because we are altruistic. It has to do with survival as well. To compete with the entrenched network affiliated stations, Independents rely on a strategy of counter-programming. Weekdays, the networks target adults in the early morning with news and talk, and in the afternoons with soaps and talk shows. This leaves kids as the big, unserved market, and an obvious opportunity for Independent stations to attract a substantial audience.

That we have been able to step in and serve this market has benefited both children -- who have a far, far wider choice of programming available to them free of charge -- and the Independent stations. The weekday kids' block of programming is an integral part of the revenue base of most Independent stations; it certainly is with all of our stations. As such, we are pleased that in your bill, Mr. Chairman, you recognize the necessity of commercial support for the continued supply of children's programming on free, over the air television.

In this regard, I am aware that there are some advocates who favor imposing far harsher requirements on broadcasters. For example, requiring that stations air an hour a day of educational programming

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for kids, or eliminate commercials altogether. I assume these well-intentioned proposals are based on the belief that television stations are so profitable that this would be a small price to pay. Unfortunately, this assumption is erroneous with regard to the Independents. I'd like the Members of this subcommittee to understand that in 1987, the most recent year for which we have complete data, the average Independent television station lost $130,000; the average UHF Independent -- and over 90% of all Independents are UHF -- lost $1.4 million dollars last year. In short, as a group, Independents are in no position to take on any more money-losing propositions than they already have. It's a credit to this subcommittee that last year it considered, and then rejected, provisions like those I described. The rejection of these onerous and intrusive portions of the original version of the bill was, of course, integral to our support for H.R. 3966.

On the other hand, as Independent broadcasters, we recognize that the more we seek to attract a young audience, the greater our responsibility to see that we do not abuse the special relationship we are trying to develop. At Act III, for example, we review every program and every commercial before we will air it during the kids' block. We've rejected programs and plenty of commercials simply because, in our mind, they are unsuitable. For example, we won't accept a spot for a PG-rated movie in a kids' show, and we even make sure spots for G-rated movies do not depict violent or sexually implicit or sexually suggestive scenes from the movie. And given my many years in the broadcasting business, I can assure you that Act III is not unique in this respect.

For example, all INTV member stations have worked with CARU -- the Children's Advertising Review Unit of the National Association of Better Business Bureaus -- to police commercial practices. Last year it became apparent that some advertisers were preparing two versions of the same commercial for the same product: one version was used for network kids shows where they had to pass inspection by the networks' Standards and Practices divisions; the second version was placed directly on individual stations in spot buys. The difference was that the second version often contained less careful and responsible

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depictions of the products. Some local stations had, perhaps, become a little lazy reviewing the actual spots because they believed them to be the same ones placed on the networks. The INTV Board of Directors voted to endorse detailed guidelines that CARU had developed to judge whether a commercial was suitable for children. Those guidelines were then sent to every INTV member station. To our knowledge virtually all INTV stations welcomed the guidelines and put them to use in their local operation.

Much more recently, there has been a public outcry over so-called "900/976" telephone services designed for kids. Once again, INTV worked with CARU to address the issue. CARU developed guidelines to assist stations in judging commercials for 900/976 services. INTV endorsed those guidelines and sent them to all its member stations. I'm told that many Independents responded that they had stopped accepting any spots for 900/976 numbers or were imposing standards at least as stringent as those outlined by CARU. That is certainly the case with our Act III stations. And, in fact, we have adopted stricter guidelines than those imposed by CARU at our television stations. We, like many Independent broadcast operators, place strong restrictions on commercials...for children as well as adults, and where we feel that an advertiser is trying to unfairly exploit our audience especially where it involves children, we step in to assure that this does not happen.

My point is simply that INTV and the Independents have done a pretty good job of policing children's advertising practices. We also undertake many pro-social special efforts to better serve our young viewers. For example, on Independent stations you will find plenty of Public Service Announcements directed at kids. As we speak, production is beginning on a series of spots featuring Tony Coelho and his "Yes We Can" campaign for the Epilepsy Foundation. This project was conceived by INTV and is being produced by Group W. The finished spots will be distributed to every Independent station in the country for airing during their kids programming block.

We at Act III have recognized that there is a major problem throughout the country, a problem that has received much attention

recently...illiteracy. We will begin a major campaign this fall on our seven stations directed at helping to solve this problem. The campaign is not simply a superficial public service campaign. It will be marketed and promoted, and the audience will be rewarded for taking part. I would be happy and proud to discuss this with you in more detail.

I'd also like to suggest that it is incorrect to consider kids a captive audience. Not only do their parents play a major role in what they watch -- and don't watch -- the kids themselves let us know when our programming decisions are off-base: they switch channels or turn off the set. And I can assure you that the first to hear about a viewer complaint is the television station. At Act III stations, we take every complaint seriously and immediately react to see whether the complaint is valid. If so, we take necessary steps to solve the problem. As an industry we've seen a serious erosion in the children's audience over the past several years. While some of the audience loss is due to such things as VCR's, a lot of it had to do with the fact that many stations were not giving the kids the kind of programming they wanted to watch.

Because of the importance of children's television to the Independents INTV commissioned an independent research firm to conduct interviews with 502 kids, ages 6 - 11, and their mothers. While I won't go into all the details here, the message was pretty clear. Children have become much more sophisticated and selective. They can spot poor quality animation or weak plot lines. They demand more accurate targeting for different age groups. Shows that were popular several years ago are no longer working. Many programs Members of the subcommittee had objected to -- those based on toys -- have completely failed to attract an audience.

In addition, years ago the American television market was inundated with imported Japanese animation. Many responsible broadcasters refused to air this programming because not only was the quality poor, but the subject matter was not appropriate for American kids. Much of the programming contained "violence for violence sake." And because of this rejection of imported animation by many broadcasters, many of these shows failed, thus forcing improvement in the quality

of childrens' animation.

In short, kids will not sit and watch just anything. They have tastes, they have opinions, and they exercise them. It also means that many stations and program producers guessed wrong. Many stations are stuck with contracts for programs that aren't working. The advertising market has been soft for several years now, so stations have the added problem that the weak demand is not generating the revenues necessary to purchase a lot of new, different programming. But the market is working. At this year's INTV and NATPE conventions, I was impressed with the quality of the kids shows now being offered to stations. For example, starting in the Fall of 1990, there will be a new 2-hour block of Disney animated shows called "The Disney Afternoon", which I expect will be extremely popular with both kids and their parents. Other syndicators were also offering programming which I think will be successful in winning back the kids' audience.

And although there has been a decline in the children population with the "baby boomers" peaking at almost 54 million in 1970 and declining to less than 48 million in 1980, a recent study shows that in 1995 the childrens' market is projected to once again peak to more than 53 million. Not only is this an opportunity for Independent television operators, but with this opportunity goes responsibility and a commitment to offer programming that is in-tune with today's world and to direct our stations to respond to today's problems.

Let me now turn to the legislation before this subcommittee. As I understand it, it is virtually identical to H.R. 3966 in the 100th Congress. Basically, the legislation re-iterates that a licensee has an obligation to serve the educational and informational needs of the children in its overall programming; the bill would also restrict the number of commercial minutes in children's programming to 12 minutes weekdays and 10½ minutes on weekends.

In regard to the first component -- serving the educational and informational needs of children -- it is my belief that this obligation already exists, although not stated as succinctly, in the Communications Act. And broadcasters are supplying informational and educational programming, to children as well as adults, but most are doing it in an entertaining manner which will entice viewers

to continue watching the program. As such, we can hardly quarrel with a restatement of that obligation in this bill.

In so far as the commercial time limitations are concerned, INTV believes the proposed levels are acceptable. It is interesting to note that the levels in the bill are nearly identical to those in the old NAB Code. That Code was, of course, struck down in 1982 as being a violation of the antitrust laws. Broadcasters had acted responsibly to guard against over-commercialization in children's programming. However, the Justice Department apparently decided that the NAB Code was a major antitrust conspiracy. As a result, we found ourselves literally damned if we did and damned if we didn't. Likewise, when the FCC voted in 1984 to remove a number of rules and guidelines governing television stations, it was not clear whether they intended to repeal the renewal-form questions on children's commercial practices as well. The broadcasters had not asked the Commission to repeal those questions, and we had to formally petition the FCC for a clarification. I mention these facts in the event there are newer Members of this subcommittee who somehow believe that the broadcasters were responsible for the elimination of the NAB Code or the FCC's guidelines on the subject. Not only did we not eliminate any such guidelines, but many broadcasters individually stayed with the parameters of the NAB code and the FCC guidelines because the established guidelines made common sense. It seemed to offer that fine line which provided for the non-overcommercialization of childrens' programming.

Prior to the introduction of H.R. 3966 last year, the INTV Board of Directors had discussed Congressional concern over children's advertising practices. At that time, the Board expressed its belief that industry self-regulation was preferable to government interdiction. Consequently, INTV endorsed Mr. Tauke's bill which would provide broadcasters with the antitrust protections needed to allow self-regulation. Were it not for the Justice Department and the federal courts, the very successful time limitations voluntarily adopted by the broadcasters would still be in effect and this would be a non-issue.

Nonetheless, responding to the concerns of this subcommittee, which lacks the jurisdiction to grant antitrust exemptions, INTV

agreed to support H.R. 3966 last year, and is willing to do so again in the 101st Congress. Our support is based on the very limited nature of this legislation and the fact that it re-imposes standards the broadcasters themselves had first created.

I would like to make one final point, however. This legislation applies only to television broadcasters. It has no impact whatsoever on the cable industry, even though that medium now serves over half of all television households in the United States. I raise this not in an attempt to apply these same rules to cable program services, but to note the unique public interest responsibilities the Congress is asking the broadcasters -- but not cable -- to assume. While we are more than willing to accept these special responsibilities, I hope it is not lost on this subcommittee that the public interest objectives these obligations are designed to accomplish will not come about if local television stations are refused carriage by cable systems or find their channel positions being shifted in favor of program services in which the cable operator has a vested interest. Broadcasters can best serve their community only if the community can view their local stations over their cable service, and where Independent operators are concerned, we can only serve our viewers, including children, if we are designated a channel position on par with other local stations. We just want an even chance to be able to serve our communities, as we are licensed to do, as well as stay in business, which is becoming more challenging.

In short, this is not a one-way street. I would very much hope that in the very near future this subcommittee will turn its attention to adopting new must-carry rules, restrictions on arbitrary channel re-positioning, and regulations intended to reduce or eliminate the growing vertical and horizontal concentration in the cable industry.

Thank you for your attention, and I will be pleased to answer any questions you may have.

Mr. MARKEY. Dr. Anderson.

STATEMENT OF DANIEL R. ANDERSON

Mr. ANDERSON. Conservatively estimated, the average American school-age child spends 3 hours a day with television. About an hour of that time is actually spent in activities other than looking at the screen, so 2 hours a day is spent paying attention to TV. This constitutes approximately 14 percent of a child's waking life, or about one full waking day per week. In any given year then, the typical school child spends about two-thirds as much time looking at TV as he or she spends in a school building.

Contrary to opinions held by many, when children look at TV they are surprisingly mentally active. They attempt to comprehend what they are viewing, even at very young ages. When viewing together, children talk about the TV program, try to guess how it will turn out, ask each other the meanings of words they do not know, attempt to judge the reality of portrayals, and so on.

One of the most common reasons children given for watching television is that they feel they learn things. Research has shown that, indeed, they do learn things from TV. We now know that time spent with television is not necessarily time wasted. Children are not the mindless, passive creatures mesmerized by TV as so often portrayed. Rather, television, whether we like it or not, is teaching America's children. The fundamental question now is: what do we want television to teach?

Well produced educational television educates. At its best, television is a wonderful window to the world, showing places, peoples, and events that a child could never experience without television. Television can make very tiny things visible, such as the cells of the body; it can slow down events that are too fast to perceive, such as the movements of a hummingbird's wings; and, with animation, television can concretely demonstrate even abstract mathematical concepts, such as the Pythagorean theorem.

Entertainment television also educates, but here the danger is that the education is not usually intended. Children think that they learn about society from television, its styles, values, and expectations of social behavior. At its worst, television teaches children to be violent, drink alcohol, and devalue schooling. Children can and do learn those lessons, too.

It is clear to me, however, that television can entertain and also educate in many positive ways. The limits of commercial programming that can entertain but also benefit children have not yet been found or even explored.

At the present time, however, there is little burden on commercial broadcasters to justify the programming they offer to American children. Children can be treated simply as an audience to be sold to advertisers; programming is nothing more than a means of reaching that audience. But television can be so much more, a medium of real educational and social value while, at the same time, serving as a viable commercial product.

This subcommittee is considering legislation which provides a step in the direction of making television that medium of value. Providing an upper limit on advertising and a lower limit on edu-

cational and informative programming would at last put some responsibility on the shoulders of the broadcasters. The legislation should cost the taxpayer nothing and will cost the broadcaster relatively little. The result, however, in terms of improved programming could be of true benefit to American children.

[The prepared statement of Mr. Anderson follows:]

STATEMENT OF DANIEL R. ANDERSON

Conservatively estimated, the average American school-age child spends about 3 hours a day with television. About an hour of that time is spent doing things other than looking at the TV, such as playing with toys, socializing, and so forth. Children actually look at TV, therefore, about 2 hours a day, or 14 percent of their awake time, or about 1 day of waking time per week. In any given year, then, the typical school child spends about two thirds as much time looking at TV as he or she spends in a school building. If one subtracts out the time at school spent in lunch, recess, or other nonacademic activities, then the average child spends as much time paying attention to television as to formal studies.

Many believe that children's time spent with television is neither beneficial or harmful; it is just time for the children to relax. Others believe that television mesmerizes young children leading to passive, mindless, time wasting. These beliefs, however, receive little support in research on children's television viewing. Contrary to opinions held by many, when children look at TV, they are surprisingly mentally active. They tend to look at TV programs which they think are comprehensible, and when they look, they attempt to comprehend what they are viewing, even at very young ages. When viewing together, children talk about the TV program, try to guess how it will turn out, ask each other the meanings of words they do not know, attempt to judge the reality of the portrayals, and so on. Healthy children are endlessly curious about the world, and the world presented by television is no exception. In fact, one of the most common reasons children give for watching television is that they feel they learn things.

Decades of research have now shown that children do indeed learn from television. Time spent watching television is not necessarily time wasted; children are not the mindless, passive creatures mesmerized by TV as so often portrayed. Rather, television, whether we like it or not, is teaching American children. Children are also spending large amounts of time with television. The fundamental question is: what do we want television to teach?

Well produced educational television educates. At its best television is a wonderful window to the world, showing places, peoples, and events that a child could never experience without television. Television can make very tiny things visible, such as the cells of the body, or the dust that floats in the air. Television can slow down events that are too fast to perceive, such as the movements of a hummingbird's wings. Television can even concretely explain abstract concepts; through animation, for example, the Pythagorean theorem and its uses can be described and demonstrated. Numerous investigations have shown that educational TV programs can very effectively educate and inform children as intended.

Entertainment television not only entertains, but it also educates, even if the education is unintended and inappropriate. Just because the producers do not mean to teach their audience of children is no guarantee that the audience is not actively absorbing the unintended lessons. After all, for millennia the world's human cultures have used children's entertainment to teach children the dominant social behaviors, values, and ethics of their time and place. Not surprisingly, children think they can learn about American society from television: its styles, values, and social expectations. While most commercial television is harmless entertainment, at its worst it can teach children unintended lessons of distorted values, violence, drug and alcohol consumption, and the devaluation of schooling. Children will learn such lessons, especially if not contradicted by experiences in the home and school.

The fact that children are eager if uncritical learners from television makes it clear that television can educate and also entertain in many positive ways. Past commercial offerings such as "In the News" provided children comprehensible stories about current events. Many other positive examples from commercial television can be cited, but on the whole, and especially in recent years, they are rare. The limits of commercial programming that can entertain but also inform and educate children have not yet been found or even explored.

At the present time there is little burden on commercial broadcasters to justify the programming they offer to American children. Children can be treated simply

as an audience to be sold to advertisers; programming is nothing more than a means of obtaining that audience. But television can be so much more, a medium of real educational and social value, enhancing rather than wasting childhood's precious time. it seems a small thing to ask that some part of that 14 hours per week spent looking at TV be an experience designed to educate and inform as well as entertain.

This subcommittee is considering legislation which provides a step in the direction of making television viewing an experience of value to children. Providing an upper limit on advertising and a lower limit on educational and informative programming would at last put some responsibility on the shoulders of the broadcasters. If that responsibility had to be shouldered equally in their highly competitive business, I believe most broadcasters would welcome it. The result, in terms of improved programming, could be of true benefit to American children.

Mr. SWIFT [presiding]. Thank you very much.

The next witness is Mr. Glenn Wright, who is executive vice president and general manager of KIRO Television in Seattle, Washington, and you are here, Glenn, today representing the National Association of Broadcasters. You may proceed.

STATEMENT OF GLENN WRIGHT

Mr. WRIGHT. Thank you.

I am not only representing the National Association of Broadcasters as a board member but also as chairman of the Children's Television Committee for the NAB. I appreciate the opportunity to appear before you today to discuss the children's television issues.

For more than a decade, the Congress has considered legislative proposals concerning children's television. Firstly, all these bills concern two basic subjects: advertising in and adjacent to children's programs, and a quantitative requirement for children's programming that all commercial broadcasters will be required to provide. NAB opposes these legislative initiatives.

In the 100th Congress, a bill was fashioned which NAB chose not to oppose. We made that decision after long hours of negotiation and careful consideration by NAB members and members of the subcommittee. It was not a conclusion which was reached in a matter of minutes or hours. Regrettably, the bill was met with a pocket veto, and the debate must now start anew.

Accordingly, let me review for the subcommittee the realities of the video marketplace which I am sure you will want to take into account as you carefully and thoughtfully discuss pending legislative proposals.

The children's television marketplace is in a constant state of flux. The popularity of a program today does not guarantee that same program will be popular tomorrow. Yet, despite higher costs of production and increased competition, television broadcasters have provided quality programming to the child audience and will continue to do so.

The growth of commercial and public broadcast outlets, cable television, and VCR's has provided children and their parents with a large variety of programming options. Broadcasters provide locally produced programming, network programs, and syndicated programs to meet the needs of the child audience. We find it unfortunate that in the pursuit of higher quality children's programming Congress has always focused only on one component of the marketplace, commercial television broadcasting, and avoided regulating our competitors.

Broadcasters are always deeply concerned about legislation which attempts to regulate advertising. We trust members of the subcommittee will recognize the link between advertising revenue and programming decisions.

In the data that I have submitted along with my prepared statement, there is ample evidence that the general concern about overcommercialization is not the common practice in the broadcast industry. Furthermore, for several years there has been a great deal of discussion about so-called program-length commercials. Based upon the latest ranking of children's programming, it appears abundantly clear that these programs have not been very popular in the marketplace. In short, the child audience has made distinctions between program content and commercial content and, on its own, has not favored these programs.

Mr. Chairman, please allow us to stress that the NAB is willing to continue to work with the members of the subcommittee in fashioning legislation. There are many interesting legislative options for all of us to consider and discuss, including one cosponsored by Representative Al Swift from my home State of Washington.

I am confident that members of this subcommittee will also wish to discuss these different legislative options and the realities of the video marketplace which I have just described with their local broadcasters to obtain their views. Then we can all reason together to find the best approach.

Thank you for your time, and I do welcome your questions.

[Testimony resumes on p. 145.]

[The prepared statement and attachments of Mr. Wright follow:]

National Association of
NAB
BROADCASTERS

TESTIMONY OF GLENN WRIGHT
EXECUTIVE VICE PRESIDENT/GENERAL MANAGER, KIRO TELEVISION

Thank you Mr. Chairman. My name is Glenn Wright, Executive Vice President and General Manager of KIRO-TV in Seattle, Washington. I am here today representing the National Association of Broadcasters (NAB)[1]. I serve on NAB's Television Board and chair its Children's Television Committee. NAB appreciates the opportunity to appear before you today to discuss children's television issues.

Legislative proposals concerning children's television have been introduced in every Congress for over 10 years. While the specific content of these proposals has differed, virtually all of these bills were concerned with two basic subjects: first, advertising in and adjacent to children's programming, either in terms of the number of advertising minutes or certain advertising practices; and second, a minimum hourly requirement for children's educational and informational programming that all commercial broadcasters were required to provide. NAB strenuously opposed these bills.

[1] The National Association of Broadcasters is a non-profit trade association representing over 5,100 radio and 970 television stations, including all the major networks.

In the 100th Congress, this pattern appeared to be repeating itself.[2] When Wally Jorgenson, NAB Joint Board Chairman, appeared before this subcommittee approximately one year ago, he reiterated broadcaster opposition to these bills. However, through a great deal of hard work on the part of members of the subcommittee, staff and broadcast representatives, a bill was fashioned that passed both Houses of Congress which broadcasters agreed not to oppose. It is fair to say that many broadcasters were disappointed by the President's pocket veto.

Children's television legislation has been a time-consuming issue for the broadcast industry. NAB hoped that we had finally been able to put this issue behind us. We looked forward to the opportunity to work cooperatively with all members of the Subcommittee in fashioning solutions to other important problems that face broadcasters.

We have appeared in the House and the Senate to stress the work done in local communities to provide worthwhile programming and to urge Congress not to focus on one segment of the video marketplace at a time when consumers have an exploding choice of programming available to them. Children are watching less broadcast television at a time when costs of production are skyrocketing. We have tried to impress upon Congress the fact that

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[2] H.R. 3966, by Representative Bryant of Texas and H.R. 3288, by Representative Bruce of Illinois.

the children's programming market is exceptionally volatile -- programming that was popular last year may not reach the same levels this year. However, prior to the adoption of the Rinaldo-Markey substitute to the original text in H.R. 3966, legislation failed to reflect the realities of the video marketplace.

NAB sincerely hopes we now have reached a level of mutual trust and agreement. To that end, we are ready to discuss children's television proposals and to work with you in fashioning appropriate legislation. Our joint efforts in the 100th Congress should serve as the foundation for working together in the 101st Congress.

Several new legislative proposals may prove worthy of examination by the Congress. For instance, Representatives Tauke and Swift have introduced H. R. 823, which provides a limited anti-trust immunity to allow broadcasters to develop standards for advertising and programming, including children's programming and advertising. NAB is currently examining unresolved questions about this bill. However, this approach may warrant further consideration by the Subcommittee. We are also aware of proposals on children's television being developed in the Senate, such as the establishment of an endowment to create a supply of children's programming that commercial broadcasters can use. The NAB takes no position on this proposal, at this time.

I would like to raise several important issues that need to be fully examined prior to the consideration of children's television legislation.

The Video Marketplace

The 1974 Policy Statement on children's television released by the FCC recognized that broadcasters have the ability to provide creative educational and informational programming for children[3]. Broadcasters have remained committed to developing programs that will serve child audiences. I see no sign that this commitment is wavering. However, I again want to remind you that the world of video programming today is far different from that in 1974. I have attached to my testimony a report on the "Children's Video Marketplace" written by Dr. Richard Ducey of the Research and Planning Department of NAB.

As this report shows, one reflection of the changes in the video marketplace is that while overall viewing among other groups is up, children are watching less television than they used to. Children watch television, especially after school, but other programming outlets, such as cable and VCR's, compete with broadcasting for children's time and attention.

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[3] Children's Television Report and Policy Statement, 50 F.C.C. 2d, 1974.

The change in children's viewing habits is a function of the growth of the broadcast industry and its competitors. In January 1975, there were 953 stations on the air; at the end of 1987, there were 1,342 stations on the air. This 40 percent growth was most pronounced among independent commercial stations. Today, 71 percent of all television households receive nine or more stations, whereas in 1974 only 31 percent received nine or more signals. Only three percent of today's television households receive less than five stations.

Cable television also has experienced dramatic growth since the issuance of the 1974 Policy Statement. Today, approximately 80 percent of all television households can receive cable service ("homes passed"). Over 50 percent of television households currently do subscribe to cable.

Perhaps the most explosive growth in the video marketplace has been in the penetration of video cassette recorders (VCRs). Where there was zero percent penetration in 1974, today over 62 percent of television households have videocassette recorders. VCRs are even more prevalent in households with children. VCRs enable parents to rent, buy or record programming for their children. Many parents record programs from broadcast stations or cable services to provide their children with a "library" of programming. In addition to taping, rentals and purchases of prerecorded video cassettes continue to grow. By 1990, it is

estimated 52.2 million video cassettes of children's programming will be shipped to retail outlets. This represents 21 percent of all prerecorded cassettes in 1990 and is worth approximately $472 million.

What this discussion makes clear is that the children's television market is fully competitive, providing both children and parents with an abundance of choice. The problems faced by broadcasters in this market are significant. There is a smaller audience for each children's program broadcast over-the-air. Costs for the production of these shows are rising rapidly. In 1983, the average cost of a network children's program was $80,000 per episode. By 1986, that cost had risen to $220,000, an increase of 175 percent in three years. This increase is especially burdensome because broadcasters recapture costs of operation solely through the sale of advertising time. The broadcaster is confronted with the problem of a declining audience share, and therefore, lower advertising revenue potential, yet higher costs for programming. The recent INTV study confirms this problem, showing that 39 percent of the stations surveyed reported a reduction in the amount of children's programming to be aired in the future.[4]

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[4]. "Programming: Betting the Whole Bundle," INTV, Washington, D.C., 1987.

Commercial Broadcasters and Children

To demonstrate the work done in local communities by broadcasters in children's television, I have attached a copy of NAB's "Television Idea Book." While not meant to be the complete picture of work done by commercial broadcasters, it will provide the Subcommittee with an idea of the effort that goes into children's programming. This booklet contains listings of locally-produced programming, network programming and additional programming available nationally.

The compilation reflects a wide variety of programming formats, including the use of games and contests, news features, group science experiments, story telling and reading. In addition to locally developed shows, network programming also is part of the children's programming mix, including CBS's "Storybreak," NBC's prime time showing of the children's classics "Swiss Family Robinson" and "Peter Pan," and ABC's "Weekend Specials," video versions of popular children's books. All three of the commercial networks provide programming that educates and informs children.

I also have attached a pamphlet describing NAB's Family Viewing Month, which was held in January 1989. The pamphlet demonstrates how stations can work with parents in guiding children to watch television more selectively. It gives hints to make

children more perceptive and discriminating viewers. Reaction to this initial effort is being studied carefully, and we plan to broaden its scope next year. Contacts have been made with the Governors' Wives Association which has expressed an interest in being a sponsor.

NAB's Children's Television Committee, which I chair, also encourages and honors local broadcasters for their work in children's programming. I have attached a copy of our pamphlet on NAB's Service to Children Television Awards.

However, I think it is important that we avoid the temptation to "pigeonhole" programming. There is little question that as part of our public interest responsibility, broadcasters do provide programming that is targeted to and written for children. Yet there is more than just "children's programming." Many programs viewed on commercial and public stations today, while not "children's" per se, nevertheless are worthwhile for children to view. This is programming intended for both children and parents. For example, NBC provides "Alf," ABC has "Wonder Years" and CBS shows "Beauty and the Beast." These shows give the child an appreciation for traditional family values and the worth of the individual, and examine many of the problems that confront children and families. One of the most popular shows on television today is "The Cosby Show," which imparts to children and parents these very themes.

Furthermore, for years commercial broadcasters have participated in and developed public service campaigns designed to reach children. Campaigns on alcohol and drug abuse, the dangers of smoking, the value of staying in school, and safety at home and in the community are targeted to children of varying ages. Often these campaigns are multi-faceted -- public service announcements (PSAs) and locally produced programming are combined with other community-sponsored activities that are run during the weekend or in the schools. This reflects one of the basic values of our system of broadcasting -- broadcasters working with others in their communities to provide programming that local residents will value. As we have stated before this Subcommittee and many other forums, the broadcaster's obligation to serve his local community also makes good business sense.

Advertising on Children's Programming

Broadcasters are supported solely by the sale of advertising time. Therefore, limitations on the lawful advertising of legal products historically have been opposed by the NAB. At a minimum, those who support such limitations should be obligated to show where a significant harm exists. To date, that has not happened in the discussion of advertising on children's television programming.

The basic fact is that the advertising of products or services over-the-air is not harmful. Further, current complaints concerning advertising in and around children's programming do not appear to show any harm to the viewers of the program. Absent a showing of harm, or put another way, a significant governmental interest, it is unlikely that restrictions on the advertising of lawful products would withstand court challenge.

Advertising in children's programming was an issue the FCC addressed in its 1974 Policy Statement. At that time, the FCC recommended that commercial time be limited to 9.5 minutes per hour on weekends and 12 minutes per hour on weekdays. The FCC enforced these guidelines during the license renewal process, in which the renewal form included a question of the licensee of whether that licensee had at any time exceeded these guidelines by a certain amount. In the 1984 Television Deregulation Report and Order of the FCC, these guidelines were eliminated. The current FCC, on remand from the U.S. Court of Appeals, D.C. Circuit, is again reviewing this issue.[5]

As part of the FCC's review of advertising on children's programming, NAB has submitted extensive comments on the current state of the market in both programming and advertising. Attached is our recent survey on commercialization. I urge the

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[5]. Action for Children's Television v. FCC, 821 F. 2d 741 (D.C. Cir. 1987)

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members of the Subcommittee to review it. We believe it is the most complete survey to date on the issue of commercialization in children's programs.

By way of summary, NAB's survey reveals that the average children's program contained slightly more than 8.5 minutes of commercial time on a per hour basis. Total non-program material time was just over 13 minutes per hour. Finally, over two-thirds of all programs have fewer than 10 minutes of commercials per hour and nearly nine out of 10 programs have fewer than 12 minutes of commercials on a per hour basis.

These data lead to the conclusion that the marketplace effectively acts to regulate against the possibility of over-commercialization of children's programming. There does not appear to be a "deluge" of commercials raining down upon the viewers of children's programming.

Congress has also been interested in the issue of "program length commercials." For the most part, this concerns programming purchased from syndicators and not that provided by the three major networks. Over the past several years many have recognized that some characters in children's programming also are available in toy stores. It is not clear in all cases which came first, the show or the playthings. Nevertheless, concern has been expressed that this linkage creates over-commercialization of children's

programming. In fact, critics claim that some shows are aired only as part of a promotional campaign to push sales for the toys and other items associated with the show's characters.

We recognize, as I hope many of you do, that what constitutes a "program length commercial" is difficult to define in regulation or legislation. Clearly, overbroad definitions would capture more than is desirable. However, it once again appears that the marketplace is acting on its own to regulate. As I stated at the outset of my testimony, the success or failure of children's programming is determined by the audience. The recently-released Nielsen Cassandra DMA Coverage Area Ranking Report for November 1988, revealed that children ages 2-11 are drawn to programming that is family-oriented or of the standard cartoon type. Clearly, many of the more popular programs also have marketing licenses as well, however, none of the 10 most popular shows are closely associated with a line of action figures[6]. You may be interested to know that two of the more criticized shows were much lower in the rankings; "G.I. Joe" was ranked 30th and "Transformers" is now ranked 34th.

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[6] The top ten children's shows are: "Duck Tales," "Fun House," "Alvin and the Chipmunks," "Faerie Tale Theatre," "Dennis the Menace," "The Real Ghostbusters," "Funtastic World of Hanna-Barbara," "The Jetsons," "Woody Woodpecker," "Bugs Bunny."

Summary

The children's television marketplace is constantly changing. Program popularity does not last as long as in other programming areas. Despite higher costs of production and increased competition, television broadcasters have provided quality programming to the child audience and will continue to do so. The growth of broadcast outlets, cable television and VCRs has provided children and their parents with a wide variety of programming options. Broadcasters provide locally produced programming, network programs and purchase syndicated programs to meet the needs of the child audience. In advertising, there is a need to recognize the financial reality that all broadcasters face between advertising revenue and programming decisions. It does not appear that so called "program length commercials" have met with success in the marketplace and the most popular children's shows are not "program length commercials." In addition, the general concern of over-commercialization does not appear to be a common practice in the broadcast industry.

Conclusion

As I discussed earlier, the NAB stands ready to work with the members of the Subcommittee in developing legislation which furthers your interest in improving the quality of programming provided to children and reflects as well the changing marketplace. Thank you for your attention and I welcome your questions.

Attachment 1

SERVICE TO CHILDREN: TELEVISION IDEA BOOK

National Association of Broadcasters, Television Department
1771 N Street, NW, Washington, D.C. 20036, (202) 429-5362

INTRODUCTION

The broadcasters of this country recognize the special obligation they have to serve the children in their local communities. Television has a capacity to entertain and to educate which exceeds the expectation of even the most seasoned broadcaster; we are all continually made aware of new examples of the extraordinary power of the medium.

The Children's Television Committee of the National Association of Broadcasters is devoted to encouraging broadcasters to present the very best programming possible to the young people in the audience. The purpose of this publication, by inspiring through example, is to disseminate useful resources which can make the production of television programs and service campaigns for children more accessible to the local station producer and program director.

The first section of the Idea Book is a compendium of examples of significant children's programming produced by the commercial networks, syndicated sources, and many local television stations. We have included the individual contacts at those stations for readers who may want to learn more details on program concept and production.

We next turn to a selective bibliography and a listing of Children's Television Awards. We believe that interesting and useful children's programs should be recognized by the industry. We call attention particularly to the NAB Service To Children Television Awards which are sponsored by this Committee.

Also, we provide a summary of KIDSNET — a centralized database devoted to children's programming. It's a useful resource for both the programmer and teacher.

Finally, we recognize those broadcasters dedicated to children's issues who make up the NAB Children's Television Committee and NAB staff involved in this project. Committee members include: Ray Alexander, General Manager of KRGV-TV; Joanne Brokaw-Livesey, Director Educational & Community Services, CBS Broadcast Group; Ron Handberg, Vice President and General Manager, WCCO-TV; John Mucha, General Manager, WBNG-TV; Robert Munoz, President and General Manager KCIK-TV; Jane Paley, Director Community Relations, Capital Cities/ABC, Inc.; Gary N. Schmedding, General Manager WSAZ-TV, Rosalyn Schram, Director of Community Relations, NBC; Ron Townsend, President and General Manager, WUSA-TV. NAB staff members include: Dick Hollands, Senior Vice President, Television Department and Committee Liaison; April Lee Blissett, Television Coordinator; Jeanne Cadwallader, Manager Special Projects.

We hope you will help us to expand the scope and the information contained in this book for purposes of subsequent editions. Please contact the NAB Television Department with any suggestions or additions which you feel would be useful. Above all, please join with the NAB Children's Television Committee in working toward video programming for youth which is ever more enlightening, attractive, and inspiring.

Glenn C. Wright,
Chairman
NAB Children's Television Committee

Edward O. Fritts
President, CEO,
National Association of Broadcasters

January 1988

IDEA BANK

The following are examples of quality children's television programs and/or community outreach projects which serve to enrich and enhance children's lives. Many stimulate children's natural creativity and imagination; others offer pro-social or cultural messages; still others serve to educate and enlighten.

To share your recent children's programming and campaign ideas in the next edition of the NAB Service To Children's Idea Book please complete and send us the form included at the end of this book.

NETWORKS

The networks have for years provided schools with teaching guides and viewer guides detailing television programming of special social, cultural and educational significance. The teacher guides are used in local schools in conjunction with the airing of special programs. Educators are encouraged to use the guides to help stimulate discussion about sensitive issues raised in the programs and to help young viewers understand overt and underlying messages of television programs.

ABC —ABC's long history of providing quality children's programming includes such shows as "ABC's Weekend Specials," the original storybook program (produced in conjunction with the Library of Congress) which features a cat named "O.G. Readmore"; and, of course, ABC's "Afterschool Specials," now in its 16th season, promoting pro-social and cultural values.

ABC's 1987 fall season introduced two new children's programs. "Little Clowns of Happytown" is a dramatic comedy cartoon which emphasizes the basic message of maintaining a happy, healthy and positive attitude. The little clowns find the silver lining in every cloud and deal with such childhood concerns as fear of the dark, learning to ride a bicycle, etc. "Animal Crack-Ups" is a new educational game show which features extraordinary animal footage and poses questions to the audience about the animal and its behavior. Children learn about the animal kingdom through a fascinating and whimsical format.

Contact: Squire D. Rushnell 212-887-6691

CBS — CBS' award-winning "Schoolbreak" series zeros in on issues of concern to today's young people such as eating disorders, family relationships, school pressures, prejudice, etc. "Storybreak," a CBS Saturday morning show, presents popular children's books in lively animation to encourage children to read. This series closes each show with a "Read More About It" segment which recommends similar or related books to read, after stimulating interest with each featured animated story.

Contact: Judy Price 213-852-2302

NBC — Using drama, fantasy, comedy, and adventure, NBC's Family Programs focus on social issues affecting today's youth. These productions, often feature popular celebrities such as Don Johnson and Harry Belafonte. The stories focus on anti-drug abuse, world hunger, missing children, Martin Luther King, Jr., and other provocative subjects. "Mainstreet," NBC's monthly magazine-format show for young people, deals with issues such as alcohol abuse, teenage pregnancy, etc. In a Bicentennial special, Mainstreet focused

on Constitutional rights. The hour was highlighted by former Chief Justice Warren Burger who answered questions posed by the Mainstreet Kids about the importance of the Constitution to modern society.

Contact: Phyllis Tucker Vinson 818-840-3012

SYNDICATED PACKAGES

FOR KIDS' SAKE

This corporate project created by Group W, enables local stations to develop a broad range of projects, programs, special events, PSAs, features, and community activities which focus attention on issues affecting the quality of life for children.

The For Kids' Sake package provides programming support by including ad slicks, collateral mechanicals, on-air promos, and press kits. These accompany every For Kids' Sake special selected by the participating station.

What is most important, however, about the For Kids' Sake campaign is the number of locally-produced programs and special activities that are spawned from the syndicated package. Stations across the nation have used the package as a springboard to launch community outreach projects geared to the needs of their local children.

CLASTER TELEVISION PRODUCTIONS

"Romper Room And Friends" combines local community children with pre-produced segments on animals, health, safety, national landmarks, farming, fishing, industries and much more. Original music and puppet segments add to the atmosphere of fun, learning, and community involvement.

"C.O.P.S." represents an entirely new concept with local community involvement in a syndicated children's series. Using the theme of a 'team of C.O.P.S devoted to safety and law enforcement from the syndicated program, local police officers will be included in the show to teach youngsters about safety and obeying the law.

Contact: Sally C. Bell, 301-561-5500

CONTRIBUTING TELEVISION STATIONS

Arizona
KPHO, Phoenix, p.10

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KHJ, Los Angeles, p.8
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KOCO, Oklahoma City, p.9

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KATU, Portland, pp.4,12,14
KPTV, Portland, p.8

Pennsylvania
WTAJ, Altoona, p.10
WJAC, Johnstown, p.11
WCAU, Philadelphia, p.3
WPVI, Philadelphia, p.10

South Carolina
WIS, Columbia, p.10
WSPA, Spartanburg, p.11

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WTVC, Chattanooga, p.3
WMC, Memphis, p.11

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KPRC, Houston, p.4
KRIV, Houston, pp.5,14
KXAS, Fort Worth, p.11

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KSL, Salt Lake City, p.12

Virginia
WXEX, Richmond, pp.5,16

Washington
KCTS, Seattle, p.6
KOMO, Seattle, pp.8,12,16

West Virginia
WSAZ, Huntington, p.8

CURRENT EVENTS AND NEWS

KGGM-TV, Albuquerque, NM: "Wrap Around," uses a "Face the Nation" format with three or four young people who question an adult on a current topic. The program, which is occasionally taped on location, uses a young person as panel moderator and is intended to give kids a chance to meet adults in various professions and to learn about their concerns and opinions.

Contact: Shirley Roybal 505-243-2285

WTVC, Chattanooga, TN: "Kidsnews" hosted by area youth, presents interesting, informative, and sometimes entertaining news programming for young people (ages 8-14). These one-minute news segments air three times daily, Monday through Saturday and give children on-air television experience. The news stories are written by the kids themselves and topics are wide-ranging. They include current events from a kid's perspective, what's happening in area schools, survival hints for kids (everything from bike safety to surviving the cost of a school dance), and also special recognition of outstanding local young people.

In addition to reaching the community, "Kidsnews" has a rather unique value in the Chattanooga area. Because of the dual school system which exists there, as well as an unusually high number of private schools, young people in the area have little opportunity for dialogue or friendship with kids except those whom they see regularly. "Kidsnews" brings together young people from many different backgrounds and schools, an experience which breaks down many artificial barriers and misconceptions.

Contact: Marcia Kling, 615-756-5500

WCAU-TV, Philadelphia, PA: Hosted by four children reporters, "Kidside" is a special upbeat series which presents kids' points of view on issues and stories of interest to kids and

young teens. Topics explored during the past year included: kids from Philadelphia's anti-graffiti network who paint murals on city buildings to cover up graffiti; a profile of a young drug addict; Space Camp in Huntsville, Alabama; the Pennsylvania Ballet; Inner Quest, Inc., an outdoor education organization encouraging self-awareness through involvement in survival weekends; and more. After only its first year, there have been requests for more "Kidside" programs. The station plans to at least double its production of "Kidside" for 1988.

Contact: Dan Sitarski, 215-668-5758

WBZ-TV, Boston, MA: "Rap-Around" is a forum for the discussion of issues, ideas, and trends of interest to young people. Students from urban and suburban schools make murals in advance of each show to highlight the issues to be discussed. Actors do vignettes on pre-arranged topics, and a host leads the studio-based discussion. The program airs each Saturday at noon.

Contact: Barry Schulman, 617-787-7087

WBRZ-TV, Baton Rouge, LA: "Let's Talk" a locally-produced half-hour show airs once a month and is tied into the For Kids' Sake campaign. The host interviews local community specialists, volunteers, and a live studio audience of about 20 kids on a specific topic of importance to the community. Topics covered have included Teenage Pregnancy, Learning to Read and Staying in School, Drug Abuse, Volunteer Programs for Youth, and Choosing a Day Care Center. A committee of community leaders serves as an advisory council for the overall project.

Contact: Barbara Bree Shaab 504-387-2222

WTBS-TV, Atlanta, GA: "Kids' Beat," which airs Monday through Friday, informs children of current events and happenings around the world. A "live" anchor who is 8 - 12 years old uses CNN and other material to present a daily kids' news update. All the stories covered are kid-oriented.

Contact: Marilyn Ringo, 404-827-1717

KPRC-TV, Houston, TX: "The Kid Show" is a locally-produced news, information, and educational program aired twice weekly. Six regular Anchorkids introduce stories, make announcements, and give commentaries on current topics. Also, kid reporters go on location to cover stories of interest to other kids. Many "how to" segments introduce kids to kite making, cooking, fixing bikes, going on location to make a report, etc. The main public service thrust is to help kids who can't help themselves. The Anchorkids have actively participated in charitable events for Muscular Dystrophy, the Heart Association, the Lung Association, Drug Programs, Missing Children programs, and other community functions. Through the stories covered, the station encourages community involvement.

Contact: Patricia J. Taylor, 713-771-4631

KOB-TV, Albuquerque, NM: In conjunction with its For Kids' Sake campaign, this station produces a special series of 30-second spots on key children's issues such as reading, Children's Hospital Week, and summer fun. News broadcasts include features on children's issues and on children themselves. A monthly mailing to 3,000 local child advocates keeps the community informed about the stations activities and upcoming

For Kids' Sake specials. Through special promotions, the station also supports community projects such as a summer camp for children with cancer.

Contact Paula Maes, 505-243-4411

KOLN/KGIN-TV, Lincoln, NE: "Kids Can Do" is a special news feature with 2 to 3 minute segments highlighting the special achievements of Nebraska's young people; it airs every Wednesday evening on the 6:00 p.m. news.

Contact: Robert Flinn 402-467-4321

KRIV-TV, Houston, TX: "Kids' Break!" is a regularly broadcast series of 60-second community calendars featuring a "spokeskid" who informs viewers of 4 to 6 events occurring in the greater Houston area each weekend. Two versions are produced weekly: one highlights weekend activities and the other features upcoming week events. A city-wide open audition for this on-camera position creatively promotes the station.

Contact: Aprille Meek, 713-626-2610

WHEC-TV, Rochester, NY: "Kids' Break" and "Kids' Calendar" are weekly vignettes produced by this station. "Kids' Break" provides current events and news of interest to children and airs Saturday and Sunday mornings. "Kids' Calendar" airs Friday at noon and provides parents with information about local family activities.

Contact: Terry A. Fauth, 716-546-5670

KSTP-TV, Minneapolis, MN: "Incredible Kids," a 90 second weekly news feature highlights youth who do outstanding work or have extraordinary talent. A different youngster is profiled each week, and all story ideas are suggested by viewers.

Contact: Kari Eklund 612-642-4442

WXEX-TV, Richmond, VA: "Just For Kids" is a weekly segment of WXEX's newscast which provides children in the market a vehicle through which to express themselves. Local children-turned-reporters explore topics interesting to their age group.

Contact: J. Sandhi Kozsuch, 804-320-3201

KMOV-TV, St. Louis, MO: "D.B.'s Delight," which airs Saturday mornings, is a game show for sixth graders during which the kids compete to answer "Toss-Up" questions. The show has generated a high level of interest among local schools.

Contact: Jim Rothschild, 314-621-4444

WPSD-TV, Paduca, KY: This station airs a special, weekly 5 o'clock news segment in which a reporter provides an answer to a current events question that has been selected from among those sent in by local students. Students whose questions are chosen are notified in advance so that they can watch the reply. The kids are thrilled to see their names on television and the segment helps to build their rapport with newspeople.

Contact: Cathy Crecelius, 502-442-8214

WSOC-TV, Charlotte, NC: "The Great Intergalactic Scientific Game Show" is designed to introduce children in grades 3 - 9 to basic scientific concepts. The show is emceed

by Kevin "KC The Whiz Kid" Campbell and Quarksie Quasar, a 3-1/2 foot tall robot who is never at a loss for words when it comes to scientific facts. Taped at the Discovery Place Museum in Charlotte, local students are chosen from the audience to participate on two teams. The teams take part in experiments, scientific trivia, and mystery object guessing to obtain points for their team. The team with the most points wins. Each show focuses on a particular scientific topic, e.g., air pressure or static electricity.

Contact: Karen Peckham, 704-335-4816

SAFETY AND DRUG AND ALCOHOL ABUSE

WLVI-TV, Cambridge, MA: "Kid Tips" is a community service campaign designed to teach children, in a non-threatening manner, safety and care of themselves when their parents are not around. A series of PSAs have been produced which talk kid-to-kid about such issues as being home alone, taking money from strangers, and "buddying up" when going places. Community response has been very positive.

Contact: Vicky Gregorian, 617-265-5656

WLS-TV, Chicago, IL: A number of programs have been produced which are designed to educate and inform the audience about issues related to safety and the prevention of drug abuse. "Say No To Drugs," with Oprah Winfrey and guests, and "Say No To Drugs Parade," with Kirk Cameron, combined, accounted for three hours of anti-drug programming. Two half-hour safety programs for children under ten also were produced. "Be A Safe Kid" used Care Bears to focus on safety and strangers, and "Be A Safe Kid at Home" emphasized accident prevention and featured Pound Puppies.

Contact: Charlotte J. Koppe, 312-750-7277

KCBA-TV, Salinas, CA: To counter the drift into drug use by younger viewers during the summer months, this station produced ten-second I.D.s featuring children from various ethnic groups who "Say No To Drugs." I.D.s air throughout the entire schedule, and will probably be repeated next year with an emphasis on the summer vacation season.

Contact: Bill Kline, 408-422-3500

LEARNING AND EDUCATION

KCTS-TV, Seattle, WA: "The Big A" is a special series designed to delight and instruct children (grades 1 - 3) in the skillful and imaginative process of looking at, talking about and creating art. The series, hosted by Don Arioli, a personable cartoonist and humorist, leads five young children in an exploration of art history, criticism, production and aesthetics. Throughout the series, Arioli and his companions venture head-long into the world of art, working on projects in his colorful studio, visiting museums and galleries, and meeting artists such as painter Jacob Lawrence, children's author and book illustrator Margot Zemach, and glass artist Dale Chihuly. Twenty-one artists are featured in the series. This program has attracted widespread recognition and support, and has received a number of prestigious national and local awards, including a local Emmy for instructional programming.

Contact: Jane Sheridan, 206-443-6709

WHIO-TV, Dayton, OH: Seen four times annually, "3 By 3" provides a forum for young people (ages 11 - 14) to question guests on a full range of educational topics. Two topics are featured on each show where studio guests are questioned from an audience of 50 children. In between the two segments, a short field-produced feature entitled "Kid Stuff" is run, which highlights local places and activities of interest to local youth.

Contact: John E. Clark, 513-259-2111

KMTV, Omaha, NE: "Jean's Storytime" is a regularly broadcast program since 1957 which entertains and teaches children valuable lessons about responsibility and caring for others. Each week children are asked to send in their own drawings which are used to illustrate a story with a moral message. As many as 1,000 drawings are received during one week. This program airs from September through May.

During the summer months KMTV also presents "Playground Champions" for local children. Area kids compete in various athletic contests such as limbo, swimming and diving, boxing, hockey, etc., at city parks. The finalists appear on television to determine winners in each event.

Contact: Don Browers, 402-592-3333

WRAL-TV, Raleigh, NC: "Sparks" provides incentive for kids to read and encourages initiative and confidence. The young characters of the show resolve conflicts through research and action. Local educators, writers, actors and school children develop a half-hour Saturday morning program which addresses concerns and interests of the young people in the community. With the help of a time machine hidden in the back room of their grandfather's fix-it shop, Tory, Zach, and their friends gain perspective on some of the problems of growing up.

In connection with the show, WRAL also has developed "Sparks-In-The-School Program" which involves elementary school classes in researching historical figures of interests. The research and students' own experiences combine to format a storyline for "Sparks."

Contact: Peter Anlyan, 919-821-8750

WCTI-TV, New Bern, NC: "Telestory" is a show that features Miss Ellenoir, a character created by the librarian from the local public library. Each Saturday, Miss Ellenoir reads stories to a group of children and encourages them to read and to visit the library.

Contact: Tammy L. Green, 919-637-2111

WHSH-TV, Framingham, MA: "Carrascolendas" is a special program targeted at children ages 3 to 8 years. It instructs children in Spanish and English to help contribute to bilingual-understanding and development and features aspects of two different cultures.

Contact: Michele Bazzell, 617-879-6666

WFHL-TV, Decatur, IL: This full-time religious station produces "Get on Board" a program on Bible teachings for children. This program airs eight and a half hours weekly and features a hostess with kids in the studio and stories, puppets, special guests, and songs.

Contact: Mark Siegal, 217-428-2323

WOI-TV, Ames, IA: "The House With The Magic Window" is a weekly program which has been on air since 1951. Geared to the younger child (aged 2 - 6), this is an information and crafts program designed to help stimulate learning and creativity in the pre-schooler.

Contact: Janis Marvin, 515-294-1413

KHJ-TV, Los Angeles, CA: "The Froozles," an award-winning children's series, is designed to instill values and basic education in an entertaining style. The series is attentive to the creative learning process and employs unique special effects for visual appeal. The program teaches children to solve problems in nonviolent ways and makes them feel good about themselves. They learn that in the Land of Frooze people become much happier when they are kind to others. An assortment of human characters played by an actress and an actor are joined by a cast of marionettes and puppets representing a variety of ethnic backgrounds. One puppet is handicapped.

Contact: Walt Baker 213-467-5459

WRC-TV, Washington, DC: "3 Stories Tall," a program designed to preserve and promote oral traditional storytelling, airs twice weekly. Each week, a guest joins the host for a half-hour of lively story-telling with themes from all over the world. Produced without special effects, background music, or sound effects, the drama of the show is created by the interaction between the storytellers and the children in the audience.

Contact: Julie Warmington 202-885-4484

VARIETY AND MAGAZINE FORMAT PROGRAMS

KPTV, Portland, OR: "The Ramblin' Rod Show" is a regularly broadcast show on the air since 1960. The program features carefully selected cartoons and 40 local area kids, 10 of whom celebrate their birthdays on the show. Ramblin' Rod, the show host, is extremely popular and is in constant demand for different community functions. The show also serves as a showcase for touring Disney Animals and local businesses' mascots. Approximately five shows a month are shot on-location, and reservations taken three months in advance are usually filled within 3 days from the announced date!

A For Kids' Sake station, KPTV also makes VHS tapes of For Kids' Sake specials available to local schools and other organizations for use in their own programs.

Contact: Gene Brendler, 503-222-9921

KOMO-TV, Seattle, WA: Award-winning "Boomerang" has been lauded by critics, parents, educators, day-care providers, and others for helping preschool children deal with the everyday problems and challenges of growing up. The "Boomerang" cast consists of well-known vocalist/actress Marni Nixon and several talented puppeteers. Each program has a central theme, such as being a good friend, confronting your fears, controlling your temper, etc. Throughout the program, Marni and the puppets talk, sing songs, and read stories which reinforce the day's theme. Games are sometimes played to teach youngsters simple concepts. "Boomerang" has garnered 30 Emmys for excellence in individual and program achievement.

Contact: Barbara Groce, 206-443-4137

WSAZ-TV, Huntington, WV: "Mr. Cartoon," on air for over 35 years, is a live, hour-long program featuring cartoons such as Bugs Bunny and Popeye. Mr. Cartoon plays host

to forty children on each show, interspersing cartoons with games and interviews with kids. There is a six- to eight-month waiting list for reservations for the show.

Contact: Mickey Curry, 304-697-7941

WWNY-TV, Watertown, NY: The "Danny Burgess" program mixes cartoons with audience participation. Youngsters in the audience are questioned by the host about current events in their lives and their interests. The aim is to stimulate the children's thinking without being blatantly educational.

Contact: Danny Burgess, 315-788-3800

WLOS-TV, Asheville, NC: "Mr. Bill's Friends" is a 45-minute daily show, which airs from 6:00 a.m. - 6:45 a.m., for preschool and grade school children. It is family-oriented and aimed at children getting ready to go to day-care and to school. Featured on "Mr. Bill's Friends" are interviews with special guests from area schools, news headlines of local interest, school lunch menus, local festivals and carnivals, time signals, and health and nutrition features. These segments are interspersed with classic cartoons. Now in its 28th year, Mr. Bill has become a household word in the Asheville community.

Contact: Bill Norwood, 704-255-0013

WUAB-TV, Cleveland, OH: "Barnaby" is a special friend to the younger children (ages 2 to 6) of the Cleveland area. Barnaby has been portrayed by the same man for 30 years. The show uses two cartoons per day (one Casper and one Tom & Jerry), but the emphasis is on Barnaby who invites guests to the show to teach children about different occupations, lifestyles and everyday tips. Guests include dentists, doctors, zoo-keepers, policemen, firemen, musicians, librarians, etc. Barnaby closes the show everyday with "If anybody calls, tell them Barnaby said hello. And tell them I think you are the nicest person in the whole world. Just you." Cleveland is now into its second generation of Barnaby friends.

Contact: Ron St. Charles, 216-845-6043

KOCO-TV, Oklahoma City, OK: On the air since 1959, "Ho Ho's Showplace" is a weekly variety show that entertains, instructs, informs, and, in keeping with station philosophy, involves station personnel in community projects. Ho Ho The Clown volunteers his help in special events such as holiday parties, awareness campaigns, and fund-raising activities for medical research. The show is now reaching its second generation of viewers; the show's positive influence is far-reaching and wide-ranging.

Contact: Ed Birchall, 405-478-3000

KSAS-TV, Wichita, KS: "Major Astro," a cartoon show, airs from 2:30 to 5:00 p.m. Monday through Friday. The host, an astronaut-type figure, offers safety tips and uses cut-ins during and between cartoons to promote contests for kids sponsored by the station. Membership in the show's club for kids, "Space Patrol 24" currently numbers 13,000.

Contact: Harlan Reams, 316-942-2424

WAGT-TV, Augusta, GA: "Dixie's Magic Club" is a half-hour weekly program which taps into children's natural curiosity about magic. The show is hosted by a local magician who explains the art of magic to the audience made up of kids. He ends the show with safety tips for the children.

Contact: Lee Sheridan, 404-826-0026

WTLV-TV, Jacksonville, FL: Children and their parents are brought into the station to tape "Skipper Ed," a one-hour Saturday show featuring kids, cartoons, and special guests. A representative from the Humane Society brings in a puppy or a kitten each week for the kids to hold and pet while pet care is discussed. Also, there is a write-in contest for the benefit of kids at home in the television audience.

Contact: Debra Frazier Quintero, 904-354-1212

KPHO-TV, Phoenix, AZ: "Wallace & Ladmo," a locally produced and hosted cartoon program, has been the dominant children's program in the Phoenix market for over thirty years. This one-hour, Monday through Friday, morning show has a live audience, contests, and hosts who provide sketches between cartoons. The Hosts are well known in the community and much sought after for public appearances.

Contact: Greg Brannan, 602-264-1000

WPVI-TV, Philadelphia, PA: "Captain Noah And His Magical Ark," now in its 20th year, is a weekly adventure program (for ages 3 - 9) of discovery aboard a colorful ark with a fanciful crew of puppet animals. Aided by his crew, Captain Noah explores the wonders of the universe and relates them to the experiences of children growing up and learning to live harmoniously together. The program makes regular use of animals from the Philadelphia Zoo, local museums and science centers, ethnic and cultural societies, inventive children and creative craftspersons. Over the years, hundreds of thousands of children have shared in how-to-make-it projects, drawing features, tales of American Folklore and Bible Stories. The needs of special and retarded children have been showcased; poor children aided. Adopt-A-Pet has led to the placement of almost a half-million SPCA shelter animals.

Contact: Charles Bradley, 215-878-9700

WIS-TV, Columbia, SC: "Knoxiland," entering its 25th year, amuses, informs, educates, and encourages children aged 3 - 12 every weekend on Saturday and Sunday mornings. Its format consists of a mixture of cartoons, studio guests and an interchange between the host, Mr. Knozit, and groups of children. The show is taken on the road for remote broadcasts from Carowinds, Riverbanks Zoo, YMCA Summer Camp, and the State Fair. With two decades of success to support it, it's no wonder the show is booked with groups for a year in advance.

Contact: Diane Bagwell, 803-799-1010

WPVI-TV, Philadelphia, PA: "This Is It" is a monthly program designed to reflect the interests of pre- and early-teenagers, to inspire pride in their accomplishments and to support them with meaningful role models. Four fast-paced segments feature: (1) role models with a message for young people, (2) teenagers in exciting and unusual activities, (3) a fast, fun piece on some championship or recreational event geared to young people's interests, and (4) the number one music video at the top of the charts. "This Is It" is taped primarily on location throughout the Philadelphia area and has received the Iris and Keystone Awards.

Contact: Charles Bradley, 215-878-9700

WTAJ-TV, Altoona, PA: "Lickety Split" is just one of many shows which continues to establish WTAJ's longstanding reputation for production of local children's programming. These quarterly specials deal in-depth with topics of interest to children. The program

emphasizes places and people of the Altoona area, but also incorporates features from other cities, such as Sea World. Lickety Split is hosted by members of WTAJ's "Action News For Kids" Action Kids and cover a variety of themes such as learning to ski, weather forecasting, coal mining, community theatre, making music, holiday specials, flying, etc.

"Action News For Kids," now in its 12th year, provides coverage of local events by kid correspondents and is anchored by kids. This show also has segments such as book reviews, school calendars, sports reports, etc. Good relations with area schools are maintained through package reports concerning various local school districts and through periodic auditions for new Action Kids.

Contact: Doug Parker, 814-944-2031

WJAC-TV, Johnstown, PA: The station uses a local school to help produce "Young Universe," a program for kids. "Young Universe" contains stories about children from around the world and is distributed via satellite nationally. The school, uses its own production facility to shoot local wraps about each story and edits them into the show. Participating students learn about television production, and the local school is promoted nationwide.

Contact: Todd Galloway 814-255-7600

WSPA-TV, Spartanburg, SC: "Kidsizzle" is a Saturday morning program which introduces children (aged 7 - 12) to exciting and different places. It allows kids to see how other children spend their free time and are involved in different and unusual activities. Presented in a fast-paced, magazine format with two kid hosts, the show is shot entirely on-location. Past programs have included an airline pilot training center, an eyeglass factory, a hydro-electric generating plant, and a behind-the-scenes show at the Miss South Carolina Pageant. "Kidsizzle" has won several awards and is endorsed by the South Carolina Educational Association.

Contact: Jimmy Sanders, 803-576-7777

WMC-TV, Memphis, TN: "Magicland" is a half-hour weekly program targeted to children ages (6 - 12) to entertain, inform and satisfy their natural curiosity. Magic tricks and illusions are performed by a professional magician before a studio audience of children and their parents. In addition, segments of Young Universe, brief reports on subjects and events of interest to young people by young people are interspersed throughout the program. The show's longevity speaks for itself — it's been on the air since 1966 — and is the longest-running, regularly scheduled television magic show in the world. It's even had the same sponsor since the beginning!

Twice daily, WMC also runs "Walrus Tales," a series of fun and instructional two-minute segments about natural history, animals, little-known facts, and various topics of interest.

Contact: Philip Slavick, 901-726-0555

KXAS-TV, Fort Worth, TX: "The Children's Hour" gives interesting and important information while also entertaining children and their families. A child co-host, selected weekly, by drawing, introduces appearances by local zoo officials with animals, and local museum representatives with artifacts. The co-host also reads the Sunday comics and each show includes a 3-5 minute interview on a public service issue of interest to children and families.

Contact: Bill Kelley, 817-429-1550

KSL-TV, Salt Lake City, UT: As part of its campaign "Because Kids Matter," KSL produced a special series called "Kids' Hometown Heroes." Highlighted in the series are seven children in the community who deserve merit and praise for their accomplishments. The purpose of the show is to profile each of the children and to recognize all kids in the community who, each in their own way, could be considered one of Salt Lake City's "hometown heroes." One is an infant who has been fighting for her life since birth.

Contact: Margaret Smoot, 801-575-5555

KOMO-TV, Seattle, WA: "Front Runners" is a weekly broadcast show which profiles young people who tell unique inspirational stories about living up to their potential. Each week, three "Front Runners" are highlighted in this action program that specializes in high production values, music, creative use of video and natural sound. From bee keepers to ballet dancers, "Front Runners" focuses on young people who are living out their dreams to the fullest — those who are living proof that the impossible just takes a little longer.

Contact: Barbara Groce, 206-443-4137

KATU-TV, Portland, OR: KATU demonstrates its commitment to quality children's television programming with its award-winning "Popcorn." This show, created especially for children ages 6 to 12, is hosted by kid reporters and encourages kid involvement. Weekly segments include on-location stories, science features, storytelling, safety tips, local school salutes, and much more. A recent Popcorn special encouraged children to look at the hero inside themselves, and not to others. Themes of personal effort and self-assurance permeated the program. Popcorn gives kids the chance to "do anything they do the best."

Contact: Joella Werlin, 503-231-4247

WNBC-TV, New York, NY: "Kids Just Kids" is a special program series designed to entertain and educate young viewers ages 6-12. This public affairs magazine format show is hosted by three kids chosen from local public schools in the New York tri-state area. Covering a myriad of topics, a typical show might have a segment on skateboards and skateboard safety, another on the popularity of certain movies or toys, and another might include an interview with young celebrities, such as the star of "Karate Kid" and a visit to a karate school for kids.

Contact: Lucia Suarez, 202-664-2195

WBNG-TV, Binghamton, NY: For over a dozen years, WBNG has presented a weekly show designed like "PM Magazine." It features local kid reporters who cover community events, movie reviews, behind-the-scenes stories, etc. Children learn about the working world through segments that look inside a lumber mill or farm, for instance. The station also produced specials every year featuring the Children's Symphony, sparking musical interest and inspiration in area children. Another special, "Odyssey of the Mind" involved a creative problem solving competition for children.

Contact: Mark Prutisto, 607-723-7311

WSTM-TV, Syracuse, NY: This For Kids' Sake station has selected a group of kids that do news features about young people. Regular programming includes "Saturday Showboat" on the air for over twenty years. "Showboat's" cast includes a Magician, Crafty Lady, Pirate, and Skunk, who entertain and educate a live audience of children. Guests come from a variety of places such as zoos, farms, and fields of science. The

audience is booked over a year in advance. "STM Club," airs Monday through Friday, and features a cast that participate in a soap-opera-like story shown in two-minute segments wrapped around cartoons. The characters make many public appearances on behalf of community campaigns. Membership in the club numbers 100,000.

Contact: Charles S. Bivins, 315-474-5148

KSHB-TV, Kansas City, MO: This station produces 60-second spots based on letters received from kids. Each spot features three children with video reproductions of their letters and their school pictures. Station personnel do the voice-overs, keeping production costs very reasonable. The series, called "Talkin' Kid's Stuff," has generated a large following; the station receives 25 to 35 letters a week. The children who write usually share their thoughts related to safety, tell about fun things to do in and around Kansas City, or tell about neat ideas they hear at school. Spots are aired Monday through Saturday in conjunction with children's shows.

Contact: Peter D. Brake, 816-753-4141

WXMI-TV, Grand Rapids, MI: "Kids Stuff Kids Show" is a brand-new show to the Grand Rapids children which highlights kids' activities in Western Michigan. The show includes a live audience of approximately 30 area children and features taped segments on local kids and community events for children. The program also contains games, kids performances, mailbag, and a kids news segment.

Contact: Dick Stawicki, 616-364-8722

KGMB-TV, Honolulu, HI: This station produces two shows that emphasize achievement and the positive attributes of kids. "Hawaii's Superkids" profiles young people who excel in sports, music, community service, scholastics, and new careers. Prime-time "State Spelling Bee" features fifteen finalists from various schools who compete for a chance to fly to Washington, D.C., to compete in the National Spelling Bee. Parental response to both shows is overwhelmingly positive.

Contact: Phil Arnone, 808-944-5200

KRON-TV, San Francisco, CA: A weekly magazine series for pre-teens and teenagers, "Home Turf," is hosted by a popular actress who is also a rapper and musician. Features include entertainment, such as the latest bands and dances, as well as issue-oriented segments focusing on problems such as gang violence and teen pregnancy.

Contact: Christina Metcalfe, 415-561-8644

SEASONAL AND OCCASIONAL PROGRAMMING

WTWO-TV, Terre Haute, IN: A November/December community campaign requesting the donation of toys for children in hospitals has been in operation since 1980. Toy donations are also requested from suppliers. Both toys, and money to purchase toys for older children, are distributed to various area hospitals throughout the year.

Contact: Phyllis Martindale 1-812-696-2121

WCJB-TV, Gainesville, FL: Airs two live Christmas/Holiday parades originating in Gainesville and Alachua/High Springs so that all members of the community, including children, can see them even if they can't be there in person.

Contact: Karen Woolfstead, 904-377-2020

WICS-TV, Springfield, IL: "For Kids Only" is designed to showcase activities of grade school students and includes participation by parents. The show precedes and is scheduled on the same day as NBC's "Special Treat." Programs are thematic, i.e. returning to school, Halloween fun and safety, how to make Christmas cards and decorations, etc. Last year the station held talent auditions in the Local Theater Guild and devoted two half-hour programs to the "Top Talent," as selected by a panel of independent judges.

Contact: Gary E. Spears 217-753-5620

COMMUNITY CAMPAIGNS AND PROGRAMS

KRIV-TV, Houston, TX: A For Kids' Sake station, uses their "Kids Break!" 60 second community calenders as a catalyst to become heavily involved in community activities. The station's anchors hold "story hours" at local libraries, sponsored the Houston International Festival Children's Stage, the Zoo Run (to help support the Houston Zoo) and Career Day for area junior and senior high school students.

Contact: Aprille Meek, 713-626-2610

KATU-TV, Portland, OR: KATU co-sponsors a local campaign called "Tom McCall GREAT KIDS Community Service Awards." This campaign, in its eighth season, has two parts — production of GREAT KIDS PSAs with Portland area schools and the Tom McCall Awards for Community Service. In what has now become a Portland tradition, KATU airs an annual special "Two at Four" show which features kids and the adults they admire. The show salutes young people for outstanding community achievements, as well as individuals and groups who have contributed to the growth and enrichment of the Portland area.

Contact: Joella Werlin, 503-231-4247

WNYT-TV, Albany, NY: Supplements For Kids' Sake shows and materials with special projects include "Best of the Class" honoring high school graduates; "Know Your World," an in-school program on news; and "Dial-A-Teacher" for help with homework. The emphasis is on raising community awareness of the needs and concerns of children.

Contact: Noelle Wall 518-436-4791

WNYW-TV, New York, NY: A number of local programming projects and community events supplement the For Kids' Sake campaign. "Kidsbreaks" includes coverage of news talent on location at their first summer jobs and special coverage of current events, such as a show featuring students discussing the negative side of dropping out of school. A local special "The Playing Fields of Life," focused on top athletes talking about their relationships with their kids. Community events have included a For Kids' Sake Central Park concert featuring Dustin Hoffman and Ossie Davis performing "Peter and the Wolf."

Contact: Paul Noble 212-535-1000

KOB-TV, Albuquerque, NM: In support of National Adoption Week, the station hosts a party to introduce prospective parents to adoptable children. A news series that week explores the process parents go through to complete an adoption.

A special half-hour program for latchkey children, "Kids with Keys," was produced and aired during the regular school day. The program provided guidance to children about what to do when they are alone because their parents are at work. Over 200,000 pamphlets covering

the information presented in the program were distributed to children in the New Mexico school system.

Contact Paula Maes, 505-243-4411

WGRZ-TV, Buffalo, NY: Utilizing news programs, public affairs programming, and promotion spots, this station has created a year-round campaign focusing on the monthly issues addressed by For Kids' Sake. The station airs prime-time specials, news series, news specials, PSAs, and sponsors community events. A Community Advisory and Sponsor Council provide input on topics and assist in setting up and staffing hot-lines which operate during the For Kids' Sake television specials. Hot-lines receive between 80 and 125 calls during the first hour of a special, and the station receives a great deal of mail from viewers who wish to comment on programs or receive additional information.

Contact: April Conlon, 716-856-1414

KULR-TV, Billings, MT: In 1984, KULR and the local Girls Club undertook a community service project known as Phone Friend, an after-school telephone warm-line for children. After the first year, the Girls Club was unable to continue the project. KULR felt it to be an important and vital service to the children of Billings and now is the sole sponsor. Volunteers man the phones and respond to children's calls. The kids generally just want someone to talk to about their feelings or activities occurring in their lives. Phonefriend receives approximately one to four emergency calls a month and responds quickly and appropriately.

Contact: Margo Aldrich, 406-656-8000

KPAX-TV, Missoula, MT: Kicked off the For Kids' Sake campaign this spring and has incorporated a wide variety of local programming specials and community outreach activities. The station has a For Kids' Sake Advisory Council and a Drug Prevention Council made up of students. A number of PSAs featuring teens talking about weekend activities and containing anti-drug use messages have been produced and aired. A youth talent audition drew over 150 participants and the winners are featured in campaign programming as announcers. In a joint project with the Ponderosa Council of Camp Fire, special messages about child safety have been produced and directed to parents and kids. A special public forum on child abuse jointly sponsored with Parents Anonymous was held at the Missoula Public Library, and the station is sponsoring a Missoula Children's Theater production of "The Peace Child."

Contact: Jacqueline Schommer, 406-543-7106

WPSD-TV, Paduca, KY: In their "Books Make a Difference," campaign, WPSD sponsors story hours at the library each summer. In addition to refreshments, the station also provides poster/viewer guides, prizes for summer readers, and books for the children's permanent collection. Nationally and locally produced PSAs encourage children to participate, and news personalities make guest appearances at each story hour. This year, over 300 children and adults participated in a "Book Swap" special event, and the number of library visits made by children and adults increased 100%.

A second community service campaign, "The WPSD-TV6 News Game," is designed like "Trivial Pursuit" to stimulate student interest in current events. In cooperation with Summit Press, the station publishes a weekly 32-question current events quiz sheet. The quiz sheet is distributed to 260 schools in the community. Students are encouraged to

watch the news or read the newspaper in order to learn the answers. Many teachers give students extra credit for completing the 'News Game;' others use it as a fun class activity. Certificates are given to outstanding 'News Game' participants each semester. Many students and teachers have written letters of thanks to the station for providing this service.

Contact: Cathy Crecelius, 502-442-8214

KYTV-TV, Springfield, MO: This For Kids' Sake station has developed a number of local projects in support of the campaign. In December, a special campaign called the "30 Children" includes 30-second station PSAs and features children from The Springfield Children's Home. The children, many of whom are victims of child abuse or come from broken homes, are profiled and asked what they would like for Christmas. Requests range from a pair of shoes to braces for teeth. The station reports that local viewers have been very generous and that somehow every child's request is filled each year.

In another project, "Storybreak," major on-air personalities appear at one of four libraries in the Springfield area to spend an hour reading stories and talking with children. Short films are often shown as well, and the children have a chance to question the anchors about themselves and their jobs. PSAs and follow-up news stories are used to promote the project.

Each fall, the station sponsors a "Kinetic Kontraption Race" in conjunction with Coors with proceeds going to the Area VI Special Olympics. A Kinetic Kontraption is a homemade, outrageous, people-powered vehicle designed to move on land and in water. Each year over 2,000 fans, TV reporters, and newspaper reporters have flocked to a local lake to see this racing event.

Other projects include a child reporter who reports on upcoming events for kids each week, and community events supported by For Kids' Sake sponsors, such as an Old Fashion Carnival, a Coats for Kids project and a Christmas party for needy children.

Contact: Natalie Murphy, 417-866-2766

KOMO-TV, Seattle, WA: KOMO, a For Kids' Sake station, supplements syndicated specials with local outreach projects. The KOMO KidsFair held annually features five stages of continuous entertainment and over 30 information booths and exhibits. The booths provide information on everything from bicycle safety to adopting a pet. Hands-on activities include an on-camera "KidNews" presentation and basketball clinic conducted by college coaches. In three years, KidsFair has grown in attendance from 10,000 fairgoers in 1985 to over 20,000 in 1987. It is the largest one-day children's event in the state of Washington. All events and activities at KidsFair are free to fairgoers.

Contact: Barbara Groce, 206-443-4137

WXEX-TV, Richmond, VA: In conjunction with the Arts Council of Richmond, WXEX sponsored the Richmond Childrens' Festival which attracted over 100,000 attendees last year. The purpose of the event was to expose area children to the arts and different ways they can participate in them. Kids met artists and had a chance to try their own talents on stage, many for the first time.

Contact: J. Sandhi Kozsuch, 804-320-3201

A SELECTIVE BIBLIOGRAPHY

Charren, Peggy and Cynthia Alperowicz, comps. Editors' Choice: A Look at Books for Children's TV. Newtonville, MA: Action for Children's Television, 1982.

A guide to book titles suitable for adaptation as children's television programs. Each entry gives a brief description of the book's plot and tells why the editor thinks the book is a natural for television. Books were selected by children's book editors.

Emmens, Carol A., ed. Children's Media Market Place. 2nd ed. New York: Neal-Schuman Publishers, 1982. (New edition scheduled for publication in late 1987 or early 1988).

A directory of sources for locating children's materials, including animated films, video, picture books, juvenile magazines, television shows and all media designed for children or for people who work with children. Sources for children's television programs include ETV and ITV stations which produce programs for children. Section on television program distributors lists companies which lease, sell, or rent and/or syndicate children's television programs. Includes title index to children's television programs.

Fischer, Stuart. Kids' TV: The First 25 Years. New York: Facts on File, 1983.

A history of network children's programming from the 1946-1947 season through the 1972-1973 season. Entries for each show include descriptions of plot and characters, actor-producer and network-credit listings, and debut and cancellation dates. Chronological arrangement shows how trends in society are reflected in children's programming.

Palmer, Edward L. Children in the Cradle of Television. Lexington, MA: Lexington Books, 1987.

A history of children's television, its changing social context and its relationship to prime time shows. Palmer reports how producers, network programming executives, and network broadcast standards executives evaluate children's television and what they hope for the future.

Schneider, Cy. Children's Television: The Art, the Business, and How It Works. Lincolnwood, IL: National Textbook Co., 1987.

An insider's view of the forces that drive children's television, from programmers and advertisers to parents and kids themselves. Schneider, a former Nickelodeon executive, takes a positive attitude toward television and its influence on children.

Woolery, George W. Children's Television: The First Thirty-Five Years, 1946-1981. 2 vols. Metuchen, NJ: Scarecrow Press, 1983, 1985.

A two-part compendium of children's television programs. Part I traces origins, growth and development of animated television series programmed on commercial networks and public television or syndicated exclusively to local stations. Part II does the same for television series for young people, transmitted live or from film or videotape. Useful for establishing the history of children's programming.

ARTICLES

Klein, Lew. "Gateway's Kidvid Commitment." NATPE Programmer, May/June 1986, pp. 41-42.

A description of the children's programs produced locally by the Gateway Communications television stations.

Reitman, Judith. "Newsbag, WTTG-TV, Washington, DC." View, Jan. 6, 1968, pp. 106-107.

a backstage look at the production of a weekly news magazine show for kids. Half-hour taped program has a seven-person crew, uses children as hosts.

Swissheim, George. "TV Stations Use Kidvid To Power Local Identity." Television Radio Age, Aug. 3, 1987, p. 57+.

This overview of locally produced children's shows includes descriptions of original programs from around the country.

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CHILDREN'S AWARDS CALENDAR OF DEADLINES

JANUARY

1/1 — On Behalf of Youth Award
1/1 — Christopher Awards
1/15 — The American Film and Video Festival
1/15 — Jack R. Howard Broadcast Awards
1/15 — George Foster Peabody Awards
late January — Scholastic Writing Awards

FEBRUARY

2/1 — ACT Awards
2/1 — Cine Golden Eagle
2/15 — Clarion Competition

MARCH

NAB Service To Children Television Awards

APRIL

4/1 — National Council On Family Relations
4/15 — Primetime Emmys
4/30 — National Education Association Awards
late April — Daytime Emmys

MAY

5/1 — Freedom Foundation Awards

JULY

7/1 — American Children's Television Festival
Mid July — Parents' Choice Television Awards

AUGUST

8/1 — The Gabriel Awards
8/1 — Chicago International Film Festival

SEPTEMBER

9/12 — International Film and TV Festival of New York Awards
9/15 — Writers Guild of America Awards
9/30 — Ohio State University Awards

OCTOBER

Mid October — Iris Awards

DECEMBER

early December — National Educational Film and Video Festival
On Behalf of Youth Awards — deadlines vary throughout the year.

CHILDREN'S TELEVISION AWARDS

ACT AWARDS
Sponsored by Action for Children's Television
20 University Road, Cambridge, MA 02138, (617) 876-6620
Deadline: Usually Feb. 1
Contact: Sue Edelman

Given to producers of children's programs for significant contributions to television for young audiences. Programs must be directed specifically to children and young people and must have included at least five new episodes during the calendar year.

AMERICAN CHILDREN'S TELEVISION FESTIVAL
Founded by Central Educational Network and WTTW-TV, Chicago
1400 East Touhy Avenue, Suite 260, Des Plaines, IL 60018-3305, (312) 390-8700
Deadline: Usually July 1
Contact: Valentine Kass

Open to any television program or series for children or youth produced or co-produced by United States organizations for initial broadcast or cable distribution in the United States. Festival includes presentation of Ollie Awards for outstanding children's programs.

THE AMERICAN FILM AND VIDEO FESTIVAL
Sponsored by The American Film and Video Association
45 John Street, Room 301,New York, NY 10038, (212) 227-5599
Deadline: Dec. 15 (early), Jan. 15 (final)
Contact: Sandy Mandelberger

Competition includes children's and young adult programs in a wide range of subject areas and genres, including original stories, literary adaptations, documentaries, and educational/informational programs. Programs are judged by peer juries. Winners are screened at New York annual festival in June.

CHICAGO INTERNATIONAL FILM FESTIVAL
Sponsored by Chicago International Film Festival
415 North Dearborn Street, Chicago, IL 60610, (312) 644-3400
Deadline: Aug. 1
Contact: Laura Kaiser

Television categories include features made for television, educational programs, documentaries, special events, variety/entertainment programs, children's programs, news documentaries, mini-series, public affairs/political programs, and television series.

CHRISTOPHER AWARDS
Sponsored by The Christophers
12 East 48th Street, New York, NY 10017, (212) 759-4050
Deadline: Jan. 1
Contact: Peggy Flanagan

Given to writers, producers and directors whose works represent the best achievements in their fields. Any television program can be considered; there is no special category for children's television.

CINE GOLDEN EAGLE

Sponsored by Council on International Nontheatrical Events
1201 16th Street, NW, Washington, DC 20036, (202) 785-1136
Deadline: Feb. 1 (spring competition), Aug. 1 (fall competition)
Contact: S.R. Tamhane

The Council acts as a clearinghouse of short films for submission to international film festivals held abroad. One of the categories is children's films, including those made for television.

CLARION COMPETITION

Sponsored by Women in Communications, Inc.
P.O. Box 9561, Austin, TX 78766, (512) 346-9875
Deadline: Feb. 15
Contact: Margo Swanson

Emphasis is on the role of communications in dealing with current issues. Provides recognition for excellence in reporting on human rights, environment, and community service. Transcript and synopsis material must accompany entry form. Broadcasting categories include news stories, PSAs, documentaries, and documentary series.

EMMY AWARDS — DAYTIME

Sponsored by National Academy of Television Arts & Sciences
110 West 57th Street, 3rd Floor, New York, NY 10019, (212) 586-8424
Deadline: March
Contact: National Academy

Recognizes excellence in program achievement in daytime programming, including children's programs.

EMMY AWARDS — PRIME TIME

Sponsored by Academy of Television Arts & Sciences
3500 W. Olive Avenue, Suite 700, Burbank, CA 91505, (818) 953-7575
Deadline: Varies
Contact: Academy

Recognizes excellence in individual and program achievement in prime time programming. Many categories pertain to programs directed to youth and family audiences. Includes outstanding children's programs and outstanding animated program categories.

FREEDOM FOUNDATION AWARDS

Sponsored by Freedom Foundation at Valley Forge
Rte. 23, Valley Forge, PA 19481, (215) 933-8825
Deadline: May 1
Contact: Denise Armstrong

Awarded annually to radio and television stations which develop or feature constructive activities that bring about a better understanding of America.

THE GABRIEL AWARDS
Sponsored by UNDA-USA (Catholic association for broadcasters and allied communicators)
40 East Center Street, Akron, OH 44308, (216) 253-1468
Deadline: First Monday of August
Contact: Patrick J. DiSalvatore

Honors radio and television programs which reflect human values. Television categories include children's programs, public service announcements, community awareness campaigns, and outstanding achievement by a television station.

INTERNATIONAL FILM AND TV FESTIVAL OF NEW YORK AWARDS
Sponsored by International Film and TV Festival of New York
5 West 37th Street, New York, NY 10018, (914) 238-4481
Deadline: Second Monday of September
Contact: Festival

Given annually in television programming categories, including programs for children ages 2 - 6, programs for pre-teens ages 7 - 12, and programs for teenagers ages 13 - 19.

JACK R. HOWARD BROADCAST AWARDS
Sponsored by Scripps-Howard Foundation
1100 Central Trust Tower, Cincinnati, OH 45202, (513) 977-3035
Deadline: Mid-January
Contact: Mary Lou Marusin

Given to a program or series of programs designed to promote the public good.

IRIS AWARDS
Sponsored by the National Association of Television Program Executives
10100 Santa Monica Blvd., Suite 300, Los Angeles, CA 90067, (213) 282-8801
Deadline: Mid-October
Contact: Executive Director

Given for excellence in locally produced programming. Entries are classified according to station markets. Categories include children's programs.

NAB SERVICE TO CHILDREN TELEVISION AWARDS
Sponsored by National Association of Broadcasters
1771 N Street, NW, Washington, DC 20036, (202) 429-5362
Deadline: March
Contact: NAB Television Department

Presented annually to acknowledge quality in locally produced children's programs in several categories, including continuing programs, special programs, shorter form programs (PSAs included), and non-broadcast activities directed toward children. Each category is divided by market size.

NATIONAL COUNCIL ON FAMILY RELATIONS
Sponsored by National Council on Family Relations
1910 West County Road B, Suite 147, St. Paul, MN 55113,(612) 633-6933
Deadline: April 1
Contact: Media Awards Coordinator

Provides recognition for excellence in production of films and videos in the family field. Winners are reviewed in October issue of Family Relations: Applied Journal of Family and Child.

NATIONAL EDUCATION ASSOCIATION AWARDS

Sponsored by the National Education Association
1201 16th Street, NW, Washington, DC 20036, (202) 822-7200
Deadline: April 30
Contact: National Education Association Communications Office

Awarded for the advancement of learning through broadcasting. Awards are divided into four categories: documentary/ educational productions for children and for general audiences; dramatic productions for children and for general audiences.

NATIONAL EDUCATIONAL FILM AND VIDEO FESTIVAL AWARDS

Sponsored by National Educational Film and Video Festival
314 East 10th St., Oakland, CA 94606, (415) 465-6885
Deadline: Early winter
Contact: Sue Davies, Executive Director

Given annually in categories including history and government, health and safety, fine arts, human relations, language arts, business, how-to, career and vocational guidance, video art, life sciences and ecology, social studies, teacher education and student made film, mathematics, physical sciences, and recreation, travel and sports.

THE OHIO STATE AWARDS

Sponsored by the WOSU Stations (Ohio State University)
2400 Olentangy River Road, Columbus, OH 43210, (614) 292-0185
Deadline: Sept. 30
Contact: Phyllis Madry, Manager of Awards

Recognizes achievement in programs where the primary intent is to instruct, inform, or enrich understanding, rather than to entertain. Entries are separated into radio and television, then divided by market size, by audience (adults or children), and by categories which include performing arts, natural and physical sciences, social sciences and public affairs.

ON BEHALF OF YOUTH AWARD

Sponsored by Camp Fire, Inc.
4601 Madison Avenue, Kansas City, MO 64112, (816) 756-1950
Deadline: Varies
Contact: Cindy Jones

Recognizes contributions which have had a notable effect on improving conditions in society which affect youth. Nominees include individuals or corporations.

PARENTS' CHOICE TELEVISION AWARDS

Sponsored by Parents' Choice Foundation
P.O. Box 185, Wayban, MA 02168, (617) 965-5913
Deadline: Mid-July
Contact: Diana Huss Green

Recognizes the best submitted children's television programming in four age group categories: preschool to 4 years, 5 - 8 years, 9 - 11 years, 12 and up.

GEORGE FOSTER PEABODY AWARDS
Sponsored by Henry W. Grady School of Journalism and Mass Communication
University of Georgia, Athens, GA 30602, (404) 542-3787
Deadline: Jan. 15
Contact: Dr. Worth McDougald, Director of Peabody Awards

One of the oldest and most esteemed awards in the industry, the Peabody honors distinguished and meritorious achievement in broadcasting. Includes a children's category.

SCHOLASTIC WRITING AWARDS
Sponsored by Scholastic, Inc., Smith-Corona, and NBC
National Broadcasting Co.
30 Rockefeller Plaza, Room 2559, New York, NY 10020, (212) 664-5443
Deadline: Late January
Contact: Dr. Rosalyn Schram, Director, Community Affairs, NBC

A script writing competition open to students in grades seven through twelve. Designed to encourage excellence in writing and creative achievement.

WRITERS GUILD OF AMERICA AWARDS
Sponsored by Writers Guild of America, East, Inc. and Writers Guild of America, West, Inc.

Writers Guild of America, East, 555 West 57th Street, Suite 1230, New York, NY 10019, (212) 245-6180
Deadline: Sept. 15
Contact: Writers Guild East

Writers Guild of America, West
8955 Beverly Blvd, Los Angeles, CA 90048, (213) 550-1000
Deadline: Sept. 15
Contact: Writers Guild West

Given jointly by the Writers Guild of America, East and West, for radio, television and motion picture scripts. Judging takes place on both coasts. Includes children's scripts as a category. Awards are for Guild members only.

KIDSNET

KIDSNET is the first centralized database to offer a comprehensive source of information concerning children's television/radio, audio and video programming. It is designed to be used by parents, teachers, media specialists, doctors, museum curators, school principals, kids, as well as broadcasters. Founded in August 1983, KIDSNET was developed thanks to grants from the Corporation for Public Broadcasting, The Ford Foundation, The John and Mary Markle Foundation, The George Gund Foundation, The Benton Foundation, the Carnegie Corporation of New York, The John D. and Catherine T. MacArthur Fund, and the National Endowment For The Arts. Contributions are also made by the major commercial television networks, NAB, several station groups and production groups.

KIDSNET provides six computerized clearinghouse services:

1. Active database — Detailed information on over 5,000 children's programs and public service announcements.

2. Future Bulletin — Monthly publication which tracks current and future programs on commercial, cable, and public broadcasting stations, including programs in production and development.

3. KIDSNET Calendar — Lists upcoming events, publications, outreach events, new technologies, grants, competitions, awards, home video and audio programs, distributions and syndications, and legislation and regulations.

4. Archival database — Comprehensive information on over 25,000 programs that have previously aired.

5. Home Video Listings — Detailed descriptions of available video cassettes best suited for the education of children.

6. KIDSNET Catalog — Print version of selected data from the archival database.

KIDSNET now links users to its computerized database in two ways: via an 800 toll-free telephone line and through an electronic mailbox in which search requests can be made. Thus, individual and institutional users (school systems, libraries, hospitals, and broadcasters, for example) can all access the automated information base. Users are able to tap specific information directly and quickly, commission specialized research, or initiate special surveys through the KIDSNET inquiry system.

A one-year subscription to KIDSNET Electronic Mail costs $175 for non-profit organizations, $375 for commercial; a year's subscription for use of the toll-free 800 number is $245 for non-profit groups, $525 for commercial; and the KIDSNET Catalog is available to subscribers for $135. If you are interested in KIDSNET, contact:

Ms. Karen W. Jaffe
Director
KIDSNET
Suite 208
6856 Eastern Avenue, N.W.
Washington, DC 20012
(202) 291-1400

NAB SERVICE TO CHILDREN'S IDEA BOOK FORM

Programs submitted on this form for the next Service to Children's Idea Book should be currently on air. Continuing special series, community campaigns, and shows slated for 1988 are also acceptable.

Station Call Letters: _____

Address: _____

Contact Person and Title: _____

Phone Number: _____

Program/Series Title: _____

Program Time Slot: _____

Type of Program: _____

Target Audience/Age: _____

Initial Airdate: _____

Type of Program:

( ) Regularly broadcast continuing program
( ) Special program/series
( ) Annual special
( ) Community campaign
( ) Other

Purpose of Program: _____

_____

_____

_____

Brief Description: _____

_____

_____

_____

Community Reaction: _____

_____

_____

_____

Comments: _____

_____

(Feel free to duplicate this form or include additional pages)

Thank you very much for your idea. Please mail to: NAB Television Department, Service To Children's Idea Book, 1771 N Street NW, Washington, DC 20036.

THE CHILDREN'S VIDEO MARKETPLACE

Richard V. Ducey, Ph.D.
NAB Research and Planning

I. SUMMARY

The term, "video marketplace" has become familiar to policymakers in the past several years.[1] However, there has not been any thorough examination of a burgeoning submarket in this area, the "children's video marketplace." This market is relevant to the FCC's current proceeding which reopens its television deregulation actions with respect to children's television.[2] This market has evolved substantially, both quantitatively and qualitatively, since the FCC's Children's Television Report and Policy Statement in 1974 and even since the original television deregulation action in 1984.[3] This report delineates some of the broader contours of the children's video marketplace.

In this report, the viewing behaviors of children are reported, a description of the tremendous growth in the availability and distribution of children's programming is presented, the economics of the children's video marketplace are briefly explored and finally, some of the unique marketplace aspects of the children's video marketplace are examined. In conclusion, it is observed that while the children's video marketplace is rapidly growing and healthy overall, the broadcast television component of this

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[1] See for example: "In the Matter of the Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations," Notice of Proposed Rule Making, MM Docket No. 83-670, June 29, 1983, at para. 23.

[2] "In the Matter of Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations," Further Notice of Proposed Rule Making/Notice of Inquiry, MM Docket No. 83-670, October 20, 1987.

[3] Children's Television Report and Policy Statement in Docket No. 19142, 50 FCC 2d 1 (1974).

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is rapidly growing and healthy overall, the broadcast television component of this marketplace has the most delicate economic balance.

II. THE CHILD AUDIENCE SEGMENT (2-11 years)

Demographic Overview

The proportion of households with children is expected to remain stable through 1990. In 1980, there were 33.3 million children from 2-11 years old or 14.7% of the total population. This is expected to increase to 37.1 million children aged 2-11 years or 14.9% of the total population by 1990.[4]

With nearly two-thirds of mothers now working, families have changed over time, kids have more responsibility. A recent Wall Street Journal article pointed out that children not yet in their teens are responsible for things like shopping, cooking, scheduling medical appointments and lessons with a kind of independence which one sociologist dubs, "self-nurturing."[5] While a small part of the total population, children are not irrelevant to the economy. Children 9-12 years old spend nearly all of the "$4.73 billion they get annually in allowances, gifts and earnings," and influence annual spending of over $40 billion by their parents.[6]

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[4] U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1985; and Population Estimates and Projections, June 1984.

[5] Ellen Graham, "As Kids Gain Power of Purse, Marketing Takes Aim at Them," Wall Street Journal, January 9, 1988, p. 1.

[6] Graham, p. 1.

Children's Broadcast and Cable Viewing by Daypart

It may be instructive to review children's television viewing habits as measured by the A.C. Nielsen Company, which reports only on broadcast and cable viewing. Perhaps surprisingly, relatively little of their total viewing occurs during the Saturday and Sunday morning daypart (e.g. only 11-12% in 1987).

Table I. Weekly Broadcast and Cable Viewing Activity for Children.

	PERCENTAGE OF TOTAL VIEWING HOURS			
Daypart	Nov '83		Nov '87	
Age --->	2-5	6-11	2-5	6-11
(Hours Per Week)	(27:09)	(24:50)	(22:58)	(19:47)
Prime Time	18%	27%	22%	31%
M-F 4:30-7:30PM	19%	22%	15%	18%
M-F 10AM-4:30PM	22%	10%	23%	9%
Sat/Sun 7AM-1PM	14%	15%	11%	12%
Sat 1-8PM/Sun 1-7PM	10%	13%	9%	11%
M-Sun 11PM-1AM	1%	1%	4%	5%
Remainder	16%	12%	16%	14%

Source: A.C. Nielsen Company, November 1983, 1987.

As can be seen in Table I, the broadcast and cable viewing of 2-5 year olds and 6-11 year olds has declined 15.4% and 20.3%, respectively, in the period 1983-1987. Viewing for persons 2 years old and over is up overall in the same time period. Thus,

children are watching less television than they used to and this is occurring in a period when viewing overall, is up. However, these viewing measures do not include VCR viewing of prerecorded tapes.

The Effect of "People Meters"

With the introduction of the people meter by Nielsen in the 1987-1988 television season, a number of controversial developments have occurred. Among these have been the noted decline in children's television viewing. Ratings have declined in other categories, for some program sources more than others. The decline in measured children's viewing is probably at least partially due to the people meter, but there may also be a real viewing decline.

The economic effects of this apparent viewing decline are staggering. The children's Saturday morning daypart is worth $150 million in advertising revenues to the networks, and due to the large apparent decline in children's television ratings (which Nielsen evidently "tacitly admits are seriously off,") the networks may lose $40 million worth of revenues.[7] This has prompted at least one network to consider no longer programming for children 2-11 year olds in this daypart.[8]

Whether or not people meters are accurate, either in sample selection or sample cooperation, there is a wide consensus that children's viewing of broadcast television is down. In a recent survey of television program directors, nearly two-thirds (61.4%) said that there is a decline in children's viewing in their markets.[9] Clearly,

[7] Verne Gay and Julie Liesse Erickson, "Kidvid Tumbles: People Meters Make Rating Dive," Advertising Age, November 23, 1987, pp. 2, 64.

[8] Gay and Liesse, p. 2, 64.

[9] Alfred J. Jaffe, "Kids Viewing Drop Assessed," Television/Radio Age, February 8, 1988, p. 71.

broadcasters must find out what is happening to their child audiences and discover ways to stabilize or improve viewing levels.

Children's television changing viewing behaviors have impacted independent stations to the extent that the Association of Independent Television Stations (INTV) commissioned its own special study to understand why there has been slippage in after-school viewing of independent stations' children's programming.[10] Among the study's major conclusions are that:

1. Viewing of broadcast television is still a very popular after school activity, but many alternatives (including VCR and cable viewing) now compete for children's time and attention.

2. Children 2-11 are not a homogeneous group. Age and gender differences are reflected in programming tastes. Some older children (particularly in the 9-11 age group) express an interest in more adult or "real life" programming.[11]

III. PROGRAMMING OUTLETS

The Children's "Video Marketplace"

In its original Notice on television deregulation, the FCC developed the concept of a video marketplace, wherein it becomes relevant to consider both the product and geographical dimensions of a particular marketplace. The FCC concluded that, "in

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[10] M/E Marketing, "The Dynamics of Children's After-School Television Viewing," 15th Annual INTV Convention, Los Angeles, CA, January 1988. ("INTV Study").

[11] INTV Study, 1988.

terms of the geographic component, the television marketplace may in a sense be characterized as both a national and a local market."[12]

Thus, when considering the product of children's video programming, it is necessary to consider both local and national sources of programming and all video programming outlets in a market which are substitutable (i.e. competitive with one another). This analysis will be limited to a consideration of currently available broadcast, cable and home video options.

The National Market

There has been at least one study, by Siemicki et al., to quantify the national children's video marketplace.[13] In the Siemicki study, it was found that as of 1984, there were 477.1 hours of children's broadcast and cable programming nationally available for one sample week in October 1984. This included pay and basic cable services, commercial and public television stations and broadcast superstations. Among other things, this study found that for every one hour of children's programming on the networks, there were six such hours available on cable. Home Box Office (HBO) programs about 60 hours per month of children's programming.[14]

Apparently, the national marketplace in children's television has been producing programming which even some skeptics agree is high quality. TV Guide recently asked a group of experts, including network executives, children's educators, consumer

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[12] Notice of Inquiry, MM Docket 83-670, at para. 23.

[13] Michele Siemicki, David Atkin, Bradley Greenberg and Thomas Baldwin, "Nationally Distributed Children's Shows: What Cable TV Contributes," Journalism Quarterly, Winter 1987, vol. 63, no. 4, pp. 710-718,734.

[14] Television/Radio Age, August 3, 1987, p. 60.

advocates, clinical psychologists and pediatricians, to name the "best shows on children's television."[15]

While a number of these programs were PBS programs, several were cable network programs, both basic and pay networks. For example, Showtime's, "Faaerie Tale Theatre," was described as an "award-winning anthology series." Nickelodeon's, "Powerhouse" and "Standby . . . Lights! Camera! Action!," "You Can't Do That on Television," "Mr. Wizard's World," and "Livewire" were cited as excellent offerings. The "National Geographic Explorer," offered by WTBS-TV, a broadcast superstation, was among the series receiving the highest marks by the panel of experts.

The Growth of Broadcast Stations

The number of local broadcast outlets has increased substantially since 1974 when the FCC issued its Policy Statement on children's television. Overall, the number of broadcast stations has increased from 953 on-air stations, as of January 1975, to 1,285 on-air stations as of December 1986. This is an increase of 34.8% or 332 new stations. Table II indicates the relative growth of affiliates, independents and educational stations in this time period. Clearly, the most dramatic growth has come from independent television stations. More current figures put the total number of stations on-air at 1,342 total stations, or a 40.8% increase in stations since January 1975.[16]

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[15] Armen Keteyian, "Experts Recommend the Best Children's Shows on TV," TV Guide, February 15, 1986, pp. 33-36.

[16] "Summary of Broadcasting," Broadcasting, February 15, 1988, p. 146 (data as of December 31, 1987).

According to Nielsen,[17] in 1986 71% of U.S. television households received nine or more television stations (only 3% of all television households received less than five television stations. In 1972, only 31% of all television households received nine or more television stations.

Table II. On-Air Broadcast Station Growth 1974-1987

Station Type	1974/75	1986/87	% Increase
Affiliates	611	657	7.5%
Independents[18]	100	325	225.0%
Educational	242	303	25.2%
TOTAL	953	1,285	34.8%

Sources: Broadcasting Yearbook 1975, p. A-2 (data as of January 1975), Broadcasting/Cablecasting Yearbook 1987, p. A-2 (data as of December 1986).

Growth of Cable Television

Cable television has also grown, from a penetration level of 11.3% in February 1974 to 50.5% in November 1987, according to the A.C. Nielsen Company. Although one in two television households now subscribes to cable television, it is available as an option to 79.3% of all television households (i.e. "households passed" by basic cable).[19]

[17] 1987 Nielsen Report on Television, Nielsen Media Research, Northbrook, IL, 1987, p. 2.

[18] The Association of Independent Television Stations (INTV) Research Department reports that there were 77 independent television stations in 1974, serving 59% of all television households, and 310 independent television stations serving 90% of all television households in 1988. Telephone call, February 16, 1988.

[19] "Cable Barometer," Cablevision, January 18, 1988, p. 64.

Thus, an additional 28.8% of all television households could subscribe to cable, if they so chose.

According to AGB Television Research figures, as of September 1987 52.7% of television households with children under 12 had cable television service, compared to 51% of the overall population. However, 35.1% of television households with children have pay cable services, compared to 29% of the overall population of television households.[20] This means that whereas households with children now subscribe to basic cable at just over the rate at which all television households subscribe, they are more likely to subscribe to one or more pay cable services.

When cable channels are added to television stations as options, 85% of U.S. television households have nine or more video channels available to them.[21] It is also interesting to note that market size and cable penetration are inversely related, such that in smaller markets with fewer over-the-air viewing options, more households subscribe to cable television.[22]

Basic and Pay Cable Services

Table III indicates the current basic and pay services offering children's programming, and the number of households which are served by each service. WTBS-TV, an independent broadcast station from Atlanta, is carried as a "superstation" by

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[20] Universe Estimates for the AGB National TV Ratings Service, AGB Television Research, L.P., New York, NY, 1987, "AGB Universe Estimates."

[21] 1987 Nielsen Report on Television, p. 2.

[22] An NAB Research and Planning Department analysis of "Cable Penetration Estimates: May 1987," NSI News, A.C. Nielsen Company, New York, NY reveals a negative correlation of -.321 (Pearson Product-Moment) between cable penetration and number of television households in the market (i.e. market size).

cable systems to 42.5 million homes. The Disney Channel is available in 3.1 million homes.

Table III. Basic and Pay Cable Services -- Households Served

Service	No. TV HH Served (Millions)
BASIC	
WTBS-TV	42.5
USA Cable Network	41.0
CBN Cable Network	37.2
Nickelodeon	35.8
Lifetime	34.0
Discovery Channel	27.4
WGN-TV	23.8
PAY	
Home Box Office (HBO)	15.9
Showtime	5.8
Disney Channel	3.1

Sources: Cablevision, February 1, 1988, p. 64; Multichannel News, February 1, 1988, p. 1.

Growth in Home Videocassette Recorders (VCRs)

The growth in VCR penetration is an impressive story. From zero penetration in 1974 (the VCR was introduced to U.S. consumers in 1975 by the Sony Corporation) to 53.8% in 1987[22] the VCR has easily surpassed the speed with which consumers adopted other new video technologies such as color television and cable television.

Households with children were about a third more likely to have VCRs than households without children according to a 1986 survey by National Demographics and

[22] Arbitron Ratings/Television, November 1987 estimates.

Lifestyles of Denver.[34] According to September 1987 "universe estimates" of the AGB Television Research ratings service, 59.8% of households with children 0-11 years old have VCRs, compared to 48% of all households.[35] Thus, households with children are significantly more likely to have VCRs available. Therefore, households with children were apparently earlier adopters of this technology and still hold a large lead over the rest of the population (only 38% of households with no children under 18 have VCRs according to AGB).

How has this affected the children's video marketplace. Some feel that families are now building up children's video libraries which are "knocking the incoming signal off the screen."[36] In fact, there is some support for this notion. In one study, 30% of those buying VCRs cited "building a library of children's TV shows" as a somewhat or very important reason for purchasing the VCR. After 12 months of using the VCR, 28.7% of this same group reported that building a children's library was still important.[37]

Since viewing prerecorded videocassettes does not count in the syndicated ratings services estimates of television viewing, the overall level of children's viewing credited to broadcast and cable television is affected. One network research head

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[34] Carol Boyd Leon, "Selling Through the VCR," American Demographics, December 1987, pp. 40-43.

[35] "AGB Universe Estimates," p. 3.

[36] Edmond M. Rosenthal, "VCRs Having More Impact on Network Viewing, Negotiation," Television/Radio Age, May 25, 1987, p. 69.

[37] Michael G. Harvey and James T. Rothe, "Video Cassette Recorders: Their Impact on Viewers and Advertisers," Journal of Advertising Research, 1985.

commented that significant playback on Saturday mornings is particularly impacting the networks.[28]

Children's Video Programming

There are really three sources of home video programming for children: (a) rentals, (b) sales, and (c) recordings of broadcast and cable programming. There are literally thousands of home video titles from which parents and children can choose for their viewing pleasure. This affords parents and children the opportunity to be their own programmers, if they so choose. To assist them in this exercise are numerous catalogs and viewing guides.[29]

The children's video marketplace has been described as a very large market. For example, 23.7 million children's videocassettes worth $276 million (18.5% of total number of prerecorded videocassetttes sold) will be shipped to dealers this year. By 1990, shipments will rise to 52.2 million (21%) worth $472 million.[30]

Children's changing tastes are also reflected in this market. Recently, there has been a noticeable shift in children's video programming, "licensed characters are moving over to make room for more original, interactive and educational/interactive kidvid."[31] Many of the major video production and distribution companies are finding that parents are taking a more active interest in children's video programming and

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[28] Rosenthal, p. 69.

[29] See for example: Harold Schecter, Ph.D., KIDVID: A Parents' Guide to Children's Videos, (New York: NY, Pocket Books, 1986); Mick Martin, Marsha Porter and Ed Remitz, Video Movie Guide for Kids: A Book for Parents, (New York, NY: Ballentine Books, 1987).

[30] "Vital Statistics," TV Guide, November 12, 1987, p. A-167.

[31] Jim McCullaugh, "Programming Shifts: Licensed Characters Move Over for to Make Room for Original Productions," Billboard, July 26, 1986, p. K-4.

want programming which is high quality, and educational, yet entertaining. This is creating a stronger market for more original children's programming in home video.

IV. CHILDREN'S PROGRAMMING ECONOMICS

Program Production

The great increase in the number of broadcast television stations led to a greater demand for programming. The demand for children's programming by stations also increased. For example, in 1984 about 500 half-hour children's shows for networks and syndication were produced. In 1985 this had increased to 800 half-hour programs.[32] Altogether, there are perhaps 10,000 half-hours of children's programming available.[33] The head of a major production house predicts that due to depressed children's television ratings and lower revenue potential, a number of suppliers of children's programming who are in a marginal position now may close up shop.[34]

Advertisers seeking to reach the specialized children's market became concerned with the relatively high cost of network program vehicles, relative to the growing options. To help keep advertisers from abandoning them, the networks began to produce higher quality and higher priced children's programming. In 1983 the average cost of a network children's program was $80,000. By 1986 the average cost to produce a network children's program had shot up 275% to $220,000.[35]

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[32] Kenneth R. Hey, "We Are Experiencing Network Difficulties," American Demographics, October 1987, pp. 38 et seq.

[33] Robert Sobol, "Syndicators Going Full Speed Ahead in First-Run Kidvid," Television/Radio Age, August 3, 1987, p. 55.

[34] Sobel, p. 55.

[35] Ibid.

INTV Programming Survey

INTV recently conducted a survey of 80 independent television stations to determine operators' attitudes toward the children's programming marketplace.[36] Of these stations, 15% of their average total revenue is generated by children's programming. This is obviously an important component of their operations. Yet, due to declining audiences and therefore revenues, 39% of these stations indicate they are planning to reduce their amounts of children's programming in the future.

"Toy-Driven" Programs

Some critics of children's television argue that so-called "toy-driven" shows are not as desirable as other types of programming, preferring to label these programs as "program-length commercials."[37] The marketplace in fact shows some decline in the popularity of these programs. Industry observers point out that while there has been no overall advertiser slippage in supporting children's television programming, programs which feature toys are not doing as well, leading one major advertising agency to comment, "toy-driven shows are a thing of the past."[38]

Among other things, the risk in producing a television show on a toy which the fickle tastes of children may soon abandon, is very unattractive. For example, "He-Man" cost $10 million to produce. If kids do not like a show like this, they may not only stop viewing the show, but walk away from the toy, or vice-versa. While from a

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[36] "Programming: Betting the Whole Bundle," INTV, Washington, D.C., 1987.

[37] See for example petitions filed with the Federal Communications Commission by Action for Children's Television on February 9, 1987 and October 5, 1987 on this topic.

[38] "Children Erosion Disputed by Hirsch; Sees Toy-Driven Market Programs as Over," Television/Radio Age, December 7, 1987, pp. 74,76.

marketing viewpoint, the possibilities of linking programming for children with the marketing of toys could be attractive, marketplace forces do not support this. Toy manufacturers, responding to the marketplace, are apparently discovering that toy-based programs are not necessarily wise investments.

Cross-Media Developments

While some might argue that what happens in one medium is irrelevant to the other media, this is not the case. First, with over half of all U.S. households having cable and home video available (and this proportion increases in households with children), obviously there are substantial non-broadcast viewing alternatives. However, the broadcast market is influenced by what is available from cable and home video.

Given the economics of the children's video marketplace, the risks of program development are great. There may be some incentives to undertake new program developments in one medium which can then be used in another medium to help offset development costs. For example, children's theatrical releases are also available on videocassette as well as cable and broadcast. In another example, "Double Dare," a children's game show once seen only on Nickelodeon, is entering syndication and new episodes will be seen on local broadcast stations around the country beginning in February 1988.[39]

Another example is relevant here. Broadcast stations and cable systems apparently have some economic incentives to cooperate in ensuring a supply of children's video programming to their markets. An independent television station in Fort Wayne, Indiana cites their children's programming as, "one of the key reasons

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[39] Brian Donlon, "Networks Hooks Up With Cable TV," USA Today, January 22, 1988, p. 1-D.

WFFT is still on so many cable systems who wanted to drop as many independents as they could, as soon as the law allowed."[40]

Advertising in Children's Television

Children's programming on broadcast television is supported entirely by advertisers and broadcasters. Since there is no direct support mechanism from viewers, broadcasters must rely on advertisers as their sole means of generating revenues to off-set the costs of buying and producing programming for children. This is not true for broadcasters' two major competitors in the children's video marketplace, cable and home video. Even advertiser-supported basic cable networks also have a revenue stream from cable operators who pay a per-subscriber fee to these networks.

Broadcasters must therefore establish a delicate balance between the need to air commercials to generate revenue and the need to keep children attracted to their programming. While the amount of commercial matter was previously set under FCC guidelines, in 1984 the Commission abandoned these guidelines in its television deregulation proceeding. Therefore, since 1984 broadcasters have been free to let their local markets set the appropriate levels of advertising in children's programming.

According to a new NAB study, the equilibrium level (i.e. set by the market, not the FCC) of commercialization varies by market size.[41] In other words, the amount of commercials in children's programming on broadcast stations varies by the size of the market. Typically, larger markets exhibit higher levels of commercialization.

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[40] George Swissheim, "TV Stations Use Kidvid to Power Local Identity," Television/Radio Age, August 3, 1987, p. 104.

[41] Edward E. Cohen, "NAB Children's Television Commercialization Survey," Research and Planning Department, National Association of Broadcasters, February 1988.

Market Forces Affecting Children's Television

Since the FCC deregulated broadcast television there have been no governmental guidelines regarding children's television commercials. However, the industry has developed some self-regulatory structures.[42] These structures have evolved in response to marketplace concerns. For example, in one study, 91% of television stations in a sample under study reported that they have developed their own time standards for advertising on their stations.[43]

In addition to the local television stations, another industry group, the National Advertising Division of the Council of Better Business Bureaus, maintains a "Children's Advertising Review Unit" (CARU) which scrutinizes children's advertising. CARU focuses its efforts on the perception of a product and its benefits. CARU relies upon a panel of national advisors, including academics who have done research on child comprehension and advertising.

Many of the complaints handled by the National Advertising Division (NAD) deal with child-directed advertising and cosmetics (12.7% of the cases handled by NAD in the first nine months of 1987 dealt with child-directed advertising).[44] Apparently, most of the complaints are initiated by competitors. In any case, the ad agencies purport to be pleased that they have CARU's guidance during their creative development of children's advertising messages.

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[42] See: U.S. v. NAB, 8 Media L. Rep. 2572 (Dist. Ct., Washington), 1982, in which the former "NAB Code" specifying voluntary commercial time limits was abandoned in a consent decree action.

[43] Bruce A. Linton, "Self-Regulation in Broadcasting Revisited," Journalism Quarterly, Summer-Autumn 1987, vol. 64, nos. 2 & 3, pp. 483-490.

[44] Edmond M. Rosenthal, "Financial Service, Health Claim Ads Go Under Scrutiny," Television/Radio Age, October 26, 1987, p. 38.

he NAD/CARU has some muscle in the industry. For example, when Flintstones ins were advertised during "The Flintstones" program on a television station, contacted the vitamin manufacturer to report two violations of its self-regulatory lines: (1) medications, drugs and supplemental vitamins should not be advertised ildren; and (2) animated characters should not promote products because they can a child's perceptions. The manufacturer cited an oversight in communications was onsible for the incident and that corrective action had been taken.[45]

In addition to station and advertiser self-regulations, the major networks each e their own standards and practices units which set policies for network gramming.

ie Marketplace Continues to Decide

In his book, Children's Television: The Art, The Business and How it Works,[46] y Schneider, a 33-year veteran in children's television, notes that today's television rogrammers create over 900 different half hours of entertainment for children each ,ear and advertisers spend $500 million annually to promote products to kids. Based upon his extensive career in children's programming and advertising designed for children, he argues that critics of children's television have been able to accomplish significant improvements in the marketplace, "without burdening broadcasters with useless government rules and stifling restrictions on business practices."[47]

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[45] "NAD Cuts Flintstones Spot," Advertising Age, December 23, 1987.

[46] Cy Schneider, Children's Television: The Art, The Business and How it Works, Lincolnwood, IL: NTC Business Books, 1987).

[47] Schneider, p. 179.

As examples, he cites the following changes in children's television:[48]

- o violence in children's television has been curbed
- o there is a heightened sensitivity to stereotyping
- o there is less advertising clutter
- o there is more enlightening programming for children than ever before

"KidsNet" Provides Marketplace Information

As an example of another marketplace structure which has evolved to serve the special needs of children, "KidsNet," a non-profit (i.e. 501(c)(3)) organization has been established to assist anyone interested in learning more about children's programming. The charter members of "KidsNet" include the Arts & Entertainment Network, Capital Cities/ABC, Inc., CBN Network, CBS, Home Box Office, NAB, NBC, Nickelodeon, Showtime, The Disney Channel, Lorimar Telepictures and USA Network.

"KidsNet" defines its benefits as:[49]

> By placing all of children's radio and television programming information (commercial, public, cable, home and school) into a computerized database, programmers and distributors will have a built-in promotional vehicle that at the same time will provide needed information about the audience. The interactive ability of KidsNet will allow advertisers, advertising agencies, programmers and others to research the use of their programs, educational materials, advertisements, public service announcements, etc., as well as the needs of their audiences: children, parents and educators.

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[48] Schneider, p. 179.

[49] "KidsNet: A Computerized Clearinghouse for Children's Radio and Television," KidsNet, 1201 16th Street, N.W., Suite 607E, Washington, D.C. 20036.

Kids Are Not A Captive Market

As indicated by viewing data and other marketplace data, children are by no means a captive market. There are so many video options at the disposal of children and their parents, that special marketplace mechanisms have evolved to respond with a supply of video programming in different forms (i.e. program types) and through different channels (i.e. broadcast, cable and home video) to meet the demand. Children's program producers and distributors (e.g. broadcast, cable, home video) are responsive to the special needs of the child audience. They have to be, in order that they remain competitive in an important marketplace.

V. CONCLUSION

The video marketplace in children's television is prolific and dynamic. The viewing environment is such that the great preponderance of children have a large number of broadcast, cable and home video viewing options. Some of these options are advertiser-supported, some are subscriber-supported. The typical child (and his or her parent) has a virtual wealth of video options from which to make viewing choices.

The children's video marketplace consists of three major parts, the broadcast, cable and home video segments. Each of these segments interacts and affects the other, both in terms of programming and economically. These segments are substitutable and thus competitive. From a public policy perspective, this is a fundamental observation. In order to preserve this competitiveness among the three major segments of the children's video marketplace, policymakers should bear in mind that these segments do not operate in isolation.

THE CHILDREN'S VIDEO MARKETPLACE/

Of the three major segments in the children's video marketplace, only broadcasting is completely supported by advertising. The cable and home video segments have other support mechanisms available to them. This permits home video and cable some diversity in maintaining revenue streams which then permits greater staying power in the marketplace.

Therefore, any public policy interest in commercialization levels in broadcast children's programming should recognize at least three key factors: (a) broadcast children's programming has only one revenue stream -- advertising; (b) the children's video marketplace is competitive and expensive to participate in; (c) cable and home video are strong competitors to broadcast television stations as sources of children's video programming.

NAB Children's Television Commercialization Survey

February, 1988

Method

This survey of children's television commercialization levels was conducted by the National Association of Broadcasters from mid-December, 1987 through early February, 1988. A random sample of 469 commercial television stations was selected and given the dates for a randomly selected composite week for the 1986-87 television season. Potential respondents were asked to list all children's programming (i.e. programs produced primarily for an audience aged 12 and under) that aired on their station during the seven days along with the source of the programming (syndicated, barter, local, network, or other), the time the programs aired, and the amount of commercial matter, promotional announcements, public service announcements, and other non-program material in minutes and seconds that aired in each program. Respondents were asked to use the "clock hour" rather than including only non-program material aired within the program. In this way, all adjacencies to programs were included (e.g. if a program began at 4:00 p.m. and ended at 4:29 p.m., stations were asked to list at non-program material through 4:30 p.m.). ABC, CBS, and NBC provided NAB with the amounts and types of non-program material included in network programs. Descriptions of the programs were also requested in case it was necessary to determine if any programs were actually "true" children's programming. Copeis of the questionnaire and forms are attached.

The survey was conducted by mail using three mailings. Mailgrams informing the potential respondents of the study and its importance were sent prior to the first mailing. Another mailgram was sent prior to the third mailing. All correspondence

was addressed to the general manager of each station. Of the 469 stations, 267 responded, refused, and 4 reported that they were not on the air during that period. The response rate was 57.4 percent. Sampling error for binary questions involving the entire sample was approximately 4.5 percent at the 95% confidence level, using the finite population correction factor.

Of the responding stations, 178 or 66.7 percent were affiliates and 89 or 33.3 percent were independents, a ratio that is relatively close to the universe. Of the affiliates, 55 were primary ABC stations, 68 were primary CBS stations, and 55 were primary NBC affiliates. By market size, 28 stations were in top ten markets, 24 in markets 11 through 20, 20 in markets 21-30, 15 in markets 31 through 40, 19 in markets 41-50, 80 in markets 51-100, and 83 in markets smaller than 100.

Results

The survey covered 5,635 different children's television programs or an average of over 21 per station. On an hourly basis, this was 3,117 hours and 22 minutes of programming. The range of programs per station went from two stations that reported they ran no children's programs up to 82 programs for one station.

Table 1 shows the average commercial levels for different sources of children's programs with the overall commercial time on an hourly basis at eight minutes and 38 seconds. In this report, all numbers will be given on an hourly basis for ease of comparison (i.e. non-program minutes in half hour programs are simply doubled. This may result in an overstatement of commercial loads as stations sometimes have higher loads in one half hour than in the adjacent next half hour.). Table 1 also reports the means for all non-network children's programs, all syndicated or barter children's programs (non-network excluding local and other), and all network children's programs.

Table 2 breaks the numbers down by various dayparts. In this sample, children's programs run during weekday afternoons contained approximately a half minute more

of commercials on an hourly basis than those aired during weekday mornings. Weekend children's programs had fewer minutes of commercials than did the weekday programs, especially non-network weekend programs.

Table 3 gives the commercialization levels for each day of the week. In this sample, the most commercialized day of the week was Wednesday, June 3 while Friday, December 19 was the lightest weekday. Sunday, August 16 proved to have the lowest levels of commercialization.

The market size breakdown showed that commercial levels were highest in the top 50 markets. Stations in smaller markets tended to run fewer commercial minutes, especially in non-network programs. A one way analysis of variance was performed on the non-network data and yielded a very significant F ratio of 43.65 ($p<.001$). Scheffe post-hoc comparisons of the group means showed that the smallest markets (101+) ran significantly fewer minutes of commercials per hour in non-network programming than did the other market group. Stations in markets 51-100 also showed a statistically significant difference with lower commercial loads than larger market stations.

In Table 5, the percentage of programs with various amounts of commercial minutes per hour is given. Over two-thirds of all children's programs had fewer than ten minutes of commercials on an hourly basis. Table 6 re-examines the data by market size.

Table 7 reports the commercialization levels on a station basis, rather than on a program basis. This table shows, for example, that 67.7% of the stations in the survey ran fewer than ten percent of their children's programs with more than eleven minutes of commercials on an hourly basis.

Finally, Table 8 reports the amount of total non-program material in children's programs on an hourly basis, using many of the same breakdowns as shown in previous tables.

Conclusions

As with any cross-sectional survey, this one provides a snapshot of a situation. In this case, we gain an accurate view of commercialization levels of children's television programs during the 1986-87 television season. For non-network programs, commercialization levels are higher in the top 50 markets than in smaller ones. Many stations run low commercial loads in all or nearly all of their children's programming while a few run larger amounts. Meanwhile, non-program material levels, at least on weekdays, are nearly constant, varying by only a few seconds across the week.

NAB CHILDREN'S TELEVISION SURVEY INSTRUCTION SHEET

Thank you for taking the time to fill out the questionnaire. Your answers are very important to NAB.

To complete this questionnaire, you will need to pull the program logs or equivalent information for a composite week of the 1986-87 television season. The dates needed are:

Monday, September 22, 1986
Tuesday, February 17, 1987
Wednesday, June 3, 1987
Thursday, November 6, 1986
Friday, December 19, 1986
Saturday, May 2, 1987
Sunday, August 16, 1987

If your station was not on the air during any of these dates or some unusual programming occurred, please call Ed Cohen at (202) 429-5381 for alternate dates.

You will need to find all the children's programming your station ran. If you are in doubt as to whether a program is truly for children or not, the FCC has defined children's programming as that "**originally produced and broadcast primarily for a child audience twelve years of age or under.**" If you are still in doubt, include the program in the questionnaire.

There are two parts to this questionnaire. First, use the sheet with all the columns to list out various information. If you need more space, feel free to make copies. Here are the instructions:

Program Title - the name of the program

Date Aired - the calendar date on which the program ran

Start Time and End Time - Use the "clock" hour. For example, if a program started at 4:00 p.m. and ended at 4:29 p.m., list 4:00 p.m. as the "start time" and 4:30 p.m. as the "end time."

Source - Please use the following codes: N - Network, S - Syndicated, B-Barter, L - Local, O - Other.

Minutes CM- the minutes and seconds of commercials that ran in and around the program. **BE SURE TO INCLUDE ADJACENCIES.** For example, if a program ended at 4:29 p.m. and one minute of commercials ran between 4:29 p.m. and 4:30 p.m., be sure to include that one minute in the 4:00 p.m. to 4:30 p.m. half-hour.

Minutes Promos-the minutes and seconds of promotional announcements that ran in and around the program. **BE SURE TO INCLUDE ADJACENCIES.**

Minutes PSAs-the minutes and seconds of public service announcements that ran in and around the program. **BE SURE TO INCLUDE ADJACENCIES.**

Minutes other non-program material-the minutes and seconds of other non-program material that is not part of any of the previous categories (e.g. station IDs, etc.).

(over)

NOTE TO NETWORK AFFILIATES: You do not need to list the network non-program material minutes in network programs. NAB has obtained this information from the networks. List only non-program material that originated at your station.

The second part of the questionnaire requests a description of each program. Simply list the title of the program and a short description next to it.

When you are finished, fold the questionnaire sheets, place them in the postpaid reply envelope, and drop it in the mail.

If you have any questions, please call Ed Cohen, Manager of Audience Measurement and Policy Research, NAB Research and Planning Department, at (202) 429-5381 between 9 a.m. and 5 p.m. EST.

Thank you for your help.

NAB Children's Television Survey

Call Letters _____ Market Size _____

Program Title	Date Aired	Start Time	End Time	Source	Minutes CM	Minutes Promos	Minutes PSAs	Minutes Other Non-Program Matter
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:
		:	:		:	:	:	:

Notes: Source: N-Network S-Syndication B-Barter L-Local O-Other CM-Commercial Matter
Other Non Program Matter -- Material that is not CM, Promo, or part of the program (e.g. station IDs)

NAB Children's Television Survey

Program Title	Program Description

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 1

Overall Commercialization Levels of Children's Programming
on a Minutes-Per-Hour Basis

Type of Programming	Minutes	N
All Children's Programming	8:38	5635
All Non-Network Children's	8:29	4380
All Network Children's	9:10*	1255
All Syndicated/Barter	8:43	4200

*Amount of network CM has changed since 5/2/87 as ABC and CBS have each added one minute of available commercial time to their Saturday morning inventory. To adjust the figures, add approximately 40 seconds (not all time may be sold and not all programs will be carried on all stations).

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 2

Children's Television Commercialization Levels
On a Minutes-Per-Hour Basis

By Dayparts

Type of Programming	All Children's	All Non-Network Children's	All Network Children's
Weekday Mornings	8:33 (1658)	8:33 (1658)	--
Weekday Afternoons/Evenings	9:14 (2040)	9:15 (2025)	8:12 (15*)
All Weekdays	8:56 (3698)	8:56 (3683)	7:31 (15*)
Weekends	8:05 (1937)	6:07 (697)	9:11 (1240)

*NBC ran "Babes In Toyland" on Friday, December 19, 1986. Many affiliates responding to the questionnaire did not realize this program should have been classified as a children's program. This should have no adverse effect on the numbers given above.

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 1

Children's Television Commercialization Levels
By Day of Week
On a Minutes Per Hour Basis

Type of Programming	All Children's	All Non-Network Children's	All Network Children's
Monday, September 22, 1986	8:45 (735*)	8:45	--
Tuesday, February 17, 1987	8:40 (745*)	8:40	--
Wednesday, June 3, 1987	9:36 (673*)	9:36	--
Thursday, November 6, 1986	9:16 (754*)	9:16	--
Friday, December 19, 1986	8:30 (786)	8:31 (771)	8:12 (15**)
Saturday, May 2, 1987	8:12 (1646)	5:29 (459)	9:15 (1187)
Sunday, August 16, 1987	7:19 (291)	7:14 (243)	7:44 (48***)

*Only non-network children's programs aired on Monday through Thursday.

**NBC ran "Babes in Toyland" on Friday, December 22, 1986. Many affiliates responding to the questionnaire did not realize this program should have been classified as a children's program. This should have no adverse effect on the numbers given above.

***ABC's "Disney Sunday Movie" and NBC's "Our House" were considered to be children's programs by the respective networks. Many affiliates were not aware of this and did not include the programs in their listings. This should have no adverse effect on the numbers given above.

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 4

Children's Television Commercialization Levels
By Market Size
On a Per-Hour Basis

Type of Programming	All Children's	All Non-Network Children's	All Network Children's
Markets 1-20	9:04 (1165)	9:03 (1030)	9:05 (135)
Markets 21-50	9:08 (1332)	9:05 (1108)	9:25 (224)
Markets 51-100	8:34 (1726)	8:22 (1325)	9:14 (401)
Markets 101+	7:54 (1412)	7:18 (917)	9:01 (495)

19-684 0 - 89 - 5

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 5

Percentage Of Children's Programs At Or Below
Various Commercialization Levels
On A Per-Hour Basis

Minutes	All Programs	All Non-Network	All Network
7 or Fewer	28.7%	36.1%	3.1%
8 or Fewer	39.7	45.4	17.7
9 or Fewer	54.8	53.0	61.1
10 or Fewer	69.1	62.6	92.2
11 or Fewer	78.2	72.0	100.0
12 or Fewer	87.2	83.6	100.0
13 or Fewer	94.1	92.5	100.0
14 or Fewer	97.9	97.4	100.0
15 or Fewer	99.6	99.5	100.0

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 6

Percentage of Children's Programs at or Below
Various Commercialization Levels by Market Size
On a Per-Hour Basis

Markets 1-20

Minutes	All Programs	All Non-Network	All Network
7 or Fewer	25.3%	28.3	3.0%
8 or Fewer	34.9	37.1	18.5
9 or Fewer	47.6	45.0	66.7
10 or Fewer	59.0	54.3	94.8
11 or Fewer	71.2	67.5	100.0
12 or Fewer	82.8	80.6	100.0
13 or Fewer	92.4	91.4	100.0
14 or Fewer	97.4	97.1	100.0
15 or Fewer	99.9	99.9	100.0

Markets 21-50

Minutes	All Programs	All Non-Network	All Network
7 or Fewer	25.5%	30.1%	2.7%
8 or Fewer	33.2	37.7	10.7
9 or Fewer	45.4	44.1	51.8
10 or Fewer	60.4	54.5	89.3
11 or Fewer	69.7	63.6	100.0
12 or Fewer	80.0	75.9	100.0
13 or Fewer	92.2	90.6	100.0
14 or Fewer	97.3	96.8	100.0
15 or Fewer	99.4	99.3	100.0

Table 6 Cont.

Markets 51-100

Minutes	All Programs	All Non-Network	All Network
7 or Fewer	29.7%	37.9%	2.7%
8 or Fewer	39.7	47.4	14.2
9 or Fewer	55.8	54.3	60.6
10 or Fewer	69.5	62.6	92.3
11 or Fewer	78.7	72.2	100.0
12 or Fewer	89.5	86.3	100.0
13 or Fewer	94.5	92.8	100.0
14 or Fewer	98.0	97.4	100.0
15 or Fewer	99.4	99.2	100.0

Markets 101+

Minutes	All Programs	All Non-Network	All Network
7 or Fewer	33.4%	49.4%	3.6%
8 or Fewer	48.0	61.3	23.4
9 or Fewer	58.6	70.7	64.6
10 or Fewer	65.5	81.6	92.7
11 or Fewer	91.5	86.9	100.0
12 or Fewer	95.0	92.3	100.0
13 or Fewer	97.0	95.4	100.0
14 or Fewer	99.0	98.5	100.0
15 or Fewer	99.8	99.7	100.0

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 7

Percentage Of Stations Running Children's Programs
With Over 11, 12, and 13 Minutes of Commercials Per Hour
Less Than Ten Percent Of The Time

	11 Minutes	12 Minutes	13 Minutes
All Stations	67.7%	76.2%	88.8%
Markets 1-20	60.9	71.7	89.1
Markets 21-50	64.8	70.4	81.5
Markets 51-100	66.7	73.1	87.2
Markets 101+	74.4	85.4	95.2

Percentage Of Stations Running Children's Programs
With Over 11, 12, and 13 Minutes of Commercials Per Hour
Less Than Twenty Percent Of The Time

	11 Minutes	12 Minutes	13 Minutes
All Stations	78.1%	87.7%	93.1%
Markets 1-20	69.6	85.2	93.5
Markets 21-50	72.2	81.5	88.9
Markets 51-100	73.1	88.5	92.3
Markets 101+	91.5	93.9	96.4

Percentage Of Stations Running Children's Programs
With Over 11, 12, and 13 Minutes of Commercials Per Hour
Less Than Thirty Percent Of The Time

	11 Minutes	12 Minutes	13 Minutes
All Stations	83.0%	92.3%	97.7%
Markets 1-20	73.9	89.1	95.7
Markets 21-50	77.8	85.2	98.1
Markets 51-100	84.5	93.4	97.4
Markets 101+	96.4	97.6	98.8

NATIONAL ASSOCIATION OF BROADCASTERS
CHILDREN'S TELEVISION COMMERCIALIZATION SURVEY
FEBRUARY, 1988

Table 8

Total Non-Program Material In Children's Programming
On a Minutes-Per-Hour Basis

Type of Programming	All Children's	All Non-Network Children's	All Network Children's	All Syndicated/ Barter
Total	13:06 (5635)	13:40 (4380)	11:05 (1255)	13:53 (4200)
By Daypart				
Weekday Mornings	14:04 (1658)	14:04 (1658)	--	--
Weekday Afternoons/ Evenings	13:47 (2040)	13:49 (2025)	9:10 (15)	
Weekdays	13:54 (3698)	13:56 (3683)	9:10 (15)	
Weekends	11:32 (1937)	12:16 (697)	11:07 (1240)	
By Day of Week				
Monday, 9/22/86	13:55 (735)	--	--	
Tuesday, 2/17/87	13:55 (745)	--	--	
Wednesday, 6/3/87	13:58 (673)	--	--	
Thursday, 11/6/86	13:59 (754)	--	--	
Friday, 12/19/86	13:48 (786)	13:52 (771)	9:58 (15)	
Saturday, 5/2/87	11:25 (1646)	12:02 (459)	11:10 (1187)	
Sunday 8/16/87	12:12 (291)	12:40 (243)	9:51 (48)	

Table 8 Continued

By Market Size

Type of Programming	All Children's	All Non-Network Children's	All Network Children's
Markets 1-20	13:38 (1165)	13:58 (1030)	10:56 (135)
Markets 21-50	13:27 (1332)	13:53 (1108)	11:19 (224)
Markets 51-100	12:52 (1726)	13:23 (1325)	11:09 (401)
Markets 101+	12:36 (1412)	13:28 (917)	10:59 (495)

Attachment 4

Dear General Manager:

A critical problem that our industry and concerned parents must share and address is whether today's children are becoming television couch potatoes.

The NAB Children's Television Committee announces **Family Viewing Month**, a national campaign which encourages parents to become more involved in what their children watch on TV. It kicks off in January under the campaign slogan, **"Watch What They Watch."**

Guiding children's use of television is difficult. It is not the responsibility of broadcasters or government. It is the responsibility of parents. Responsible parenting means teaching children to be discriminating viewers, so they can benefit from the wonderful educational and entertainment aspects of our medium. Television is part of American family life. And if used properly, it provides information, stimulation, and pleasure.

1989 is a new year ... a time for new beginnings and new attitudes. A time to remind parents to **"Watch What They Watch."** I urge you to make **Family Viewing Month** a priority project for your station.

Sincerely,

Glenn C. Wright, Chairman
NAB Children's Television Committee
KIRO-TV, Seattle, Washington

Family Viewing Encourages Parents To:

• • • • SET THE SCHEDULE

Pre-selecting programs rather than randomly turning the dial modifies what and how much time children spend watching television and establishes a practice of watching programs not just television.

• • • • TALK ABOUT IT

Encourage the family to share their thoughts and views on the programs they watch. Open discussions can strengthen a child's ability to think and express his or her ideas and fosters better family communication.

• • • • READ ABOUT IT

Use television to spur an interest in reading by pointing out how library books can supplement what children learn from programs.

• • • • CHECK WITH TEACHERS

Watch programs that generate interest in subjects studied in schools. Viewing assignments by the teacher can build upon what is taught in the classroom.

"With the development of each modern means of story-telling – books, newspapers, movies, radio, comics and television – social debates regarding their effects have recurred. A prominent theme in all these debates has been a concern with media's impact on youth, a concern which in fact pre-dates the modern era. Plato's Republic warned about storytellers."

Ellen Wartella
Historical Trends in Research on Children and the Media

Campaign Outreach Ideas for Stations

• • • • Ask your Mayor or Governor to proclaim January **Family Viewing Month.** The signing of the proclamation is a great photo opportunity and makes a nice piece for the evening news as well as your local newspaper.

• • • • Use your Congressional representative as your campaign spokesperson. This complements the national PSA and gives your campaign a stronger grassroots connection. Another excellent choice may be your state's first lady. KIRO-TV, Seattle, Washington, has successfully involved their first lady in a similar campaign.

• • • • The President of the PTA or elementary school principal surrounded by kids shouting your campaign slogan makes an effective spot. Try this approach with several schools.

• • • • A joint endeavor with a local fast food chain may add impact and visibility to your campaign. A PSA and tray liners jointly tagged are excellent tools for reaching parents. You may consider splitting the cost of distributing the liners at a local school for the month of January. A different twist may be a cooperative effort with a local dairy in which the slogan is imprinted on milk cartons, especially those cartons distributed in schools.

• • • • Conduct station tours for local PTA's and Teachers' Associations during the month of January. It gives department managers a chance to get to know the educators in their community. At the same time, it's important for senior management to be visible at special school events and PTA meetings during the campaign.

• • • • Host a town meeting for your District Teachers' Association and the PTA. Discuss openly and honestly how parents, teachers, and broadcasters can work together to strengthen the use of television by children. Such an event may make a nice public affairs show that could be advertiser supported.

"We must make sure that children perceive television as just one means of communication; one tool out of many available to us in the continual process of interrelating with one another. When we use television in moderation and handle it with care, it can be a valuable teacher, a wonderful friend and a good servant."

Michael R. Kelley
Television: Making the Most of It

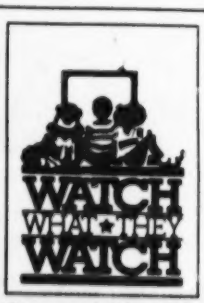
• • • • Who would be better at telling or reading a story to children than your own on-air talent? Hold a 'Saturday Morning' reading at the station or a library. Show how books tie-in with children's programs. Bookmarks and calendars imprinted with your slogan make great give-aways for such events.

• • • • Jointly develop with an area teacher, a program that incorporates television and outside reading assignments which complement the established class curriculum. The results of such a program could be presented at a PTA meeting as a pilot program for other classes.

Television and Children — Weekly Viewing

	Ages 2-5	Ages 6-11
• • • Hours Per Week	22:29	19:38
• • • Prime Time	4:25	5:25
• • • M-F, 4:30-7:30 PM	3:21	3:25
• • • M-F, 10 AM-4:30 PM	5:02	1:49
• • • Sat. & Sun., 7 AM-1 PM	2:39	2:29
• • • Sat. 1-8 PM & Sun. 1-7 PM	1:28	1:45
• • • M-Sun., 11:30 PM-1 AM	:28	:38
• • • Remainder	6:26	6:07
• • • Average Hours/Day	3:13	2:48

*Source: Nielsen Television Index, National Audience Demographic Report, Sept. 1988



The suggestions on the next page may encourage children to become more active viewers through exploring their own ideas about television programs, dreaming up new programs, or predicting outcomes. Use them as on-air tips (radio or television) or as a photocopied handout at meetings. Just add your station call letters and campaign logo.

Constructively Using Television Tips For Parents

• • • Be a Nielsen Family

Family members pretend they are television critics whose program choices are important in determining which shows stay on the air. Make up a list of favorites - noting the day, time and channel of each. When notes are compared, the family will discover mutual favorites. It is interesting to find out why. Try and figure out what appeals to the entire family. The game becomes one of persuasion. This kind of playful debate strengthens children's ability to think independently and express their ideas. Through discussions and trade-offs, the family can reach a consensus on which shows they should watch. Find newspaper or magazine critiques of shows to compare to family opinions. This fosters children's use of and familiarity with newspapers and magazines.

• • • I Remember When . . .

A child's interest in his or her favorite program can be the basis for an active memory game which demonstrates how tastes and habits create different standards as children mature. Ask children to list the programs with their present choices. Children can take pride in seeing how their tastes have matured. As an exercise, have an older child develop a list of shows his younger sibling should watch.

• • • Create Your Own Program

Discuss possible shows that may be developed from a child's favorite film, book, and comic strip. Encourage the child to develop his idea into a class play.

• • • Predicting Outcomes

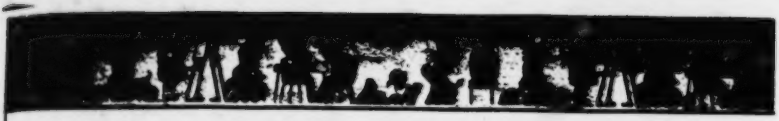
Guessing the outcome of a show can develop a child's awareness of the visual and verbal clues that are the basis for drawing inferences and making predictions. During the commercial break, have everyone write down their secret guess about how the story will end.

"The belief that television is a bad influence is for many an untenable, insecure one. Certainly it is often hard to maintain in the face of the apparently robust and healthy enjoyment of television by one's own children."

Robert Hodge & David Tripp
Children and Television

When the program is over, compare solutions to see who came closest to guessing the outcome. Discuss the clues each member of the family used in making his or her prediction.

Quiz programs offer the opportunity both to second guess the contestants and to estimate which side will win. Playing along with the contestants can not only make any quiz show more fun, but also develops the ability to think quickly.



• • • Helping Children Understand What They See

Comments and questions during and after viewing can help children gain information. Don't assume that a child grabs the meaning of what they view, especially when unfamiliar adult topics are being presented. When parents clarify the action in a story, a child is better able to understand and retain the information available in what they see. This also presents an opportunity to direct a child to books or newspaper stories that provide additional details about the subject.

• • • Where and When?

You can help a child become more aware of cultural and historical distinctions by identifying the details that convey this information. Point out the clothes, dialect, landmarks, scenery or other clues to where and when the events in a story occurred.

• • • Fact or Fantasy?

There are many areas in which children may find it hard to differentiate fiction from fact. It is important to get your children to ask questions about what they see. Ask what kind of evidence was shown that made it seem real? What proof would one need to confirm the reality of this information. Children may not reach conclusions but these questions may send them to books and magazines as sources for answers.

• • • What Did I Miss?

When you can't watch with a child, a casual "Tell me about it" is an excellent avenue for sharpening a child's ability to understand and express what he or she watched.

• • • Guess Who?

Play a game where one person imitates the distinctive posture, walk or gestures, used by a familiar TV character, while other members of the family try to guess what character is being portrayed.

• • • Whom Do You Admire? Whom Do You Dislike?

Talking about the television characters who impress children can expand descriptive vocabulary and give insight into a child's thinking. Broaden the discussion by talking about ways in which children feel they are like or unlike the television characters they know. This kind of conversation tells you something about how children feel about themselves.

"The relationship between education and television has entered a new phase. Originally educators largely ignored the new medium. Then they denounced it and tried to make it go away. Lately, school and television people have been working together in the hope that something constructive can be extracted from all the time children spend in front of their TV sets."

Fred Hechinger
The New York Times

Family Viewing PSA Featuring Marlo Thomas

I'm Marlo Thomas. For every hour your children spend in school each week, they spend another half-hour watching television. And much of the time, they're alone; with no one around to separate the good from the bad—the fantasy from the fact. It's time to start watching TV with your kids. Time to talk about the programs you watch together. Time to teach your kids the difference between the fighting on the evening news and the fighting on the morning cartoons. To be perfectly honest, it's time to:

Watch What They Watch.

TELEJOURNAL

• • • •

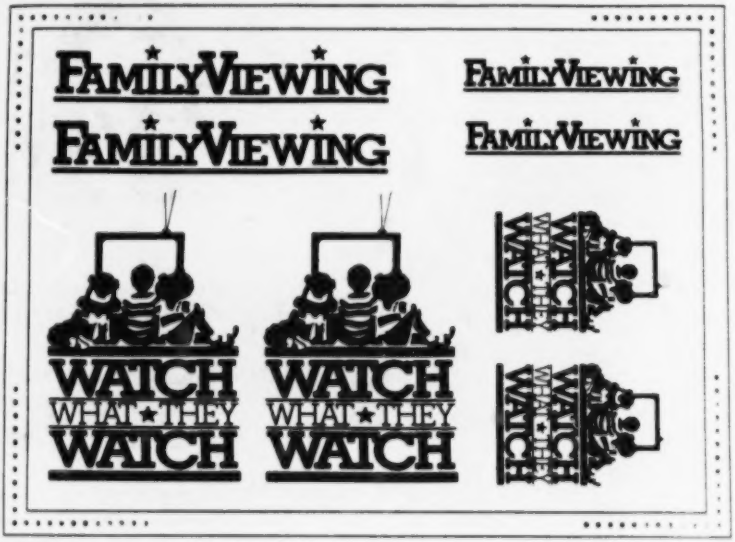
Family Viewing Feed
December 16
11:30 AM - 12:30 PM

• • • •

TELSTAR 301. 12V-6.2. 6.8

7 •

Family Viewing Campaign Logos



8

Family Viewing Campaign Ads

These campaign ads are camera ready copy which can be personalized with your logo or station call letters. If the dimensions do not meet your newspaper's mechanical requirements, ask the publication to reduce or enlarge to correct size.

TUNE IN TO YOUR CHILDREN

WATCH WHAT THEY WATCH

WATCH WHAT THEY WANT

(Insert show)

(time)

JANUARY FAMILY VIEWING MONTH

MAKE TELEVISION PRIME TIME FOR YOUR CHILDREN

WATCH WHAT THEY WATCH

9

Family Viewing Response Sheet

To document broadcaster's support, please fill out and return to the NAB Television department, 1771 N Street, N.W., Washington, D.C. 20036.

1. How much air time was devoted to the campaign?

Broadcast Date	Air Time (minutes)
January 1-7	
January 8-14	
January 15-21	
January 22-28	
January 29-31	

2. Did you use Marlo Thomas PSA?

- ☐ Yes ☐ No
- ☐ Used station produced PSA only
- ☐ Used combination of station and national produced PSA
- ☐ Used our own PSA

3. Briefly describe your campaign activities.

_____

_____

_____

_____

_____

10

Entry Form

Station Call Letters: _____

City and State: _____

Contact Address and ADI rating: _____

Award Categories (check one):

- A. Regularly Scheduled Programs
- B. Special Programs
- C. Public Service Campaigns
- D. Drug and Alcohol Abuse Campaigns and PSAs

Program Name: _____

Producer: _____

Program Length: _____

Program Description (please indicate intended children's age group):

Airdate: _____

Submitted by: _____

Title: _____ Phone: _____

By entering this competition, I consent to NAB that this program is original and all necessary rights, clearances, and releases have been obtained for all materials and elements embodied in this entry, including music, and that the use by NAB [illegible] will not violate any rights of any [illegible] or other rights of any [illegible]. I further agree to defend, indemnify, and hold NAB harmless from and against any and all claims, [illegible] and losses arising out of the breach of this [illegible].

_____

_____ (name of licensee)

_____

"Service to Children Television Awards"
Television Department
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

NAB Service To Children Television Awards

The NAB Service To Children Television Awards honor stations for their dedication to outstanding local programs and campaigns.

A panel of recognized professionals, who actively endorse excellence in children's programming, select the winners from the many entries submitted to the competition.

The 1989 finalists will be announced during next year's NAB Convention Television Luncheon in Las Vegas. The winners will then be honored during a special Washington, D.C. ceremony in May.

General Criteria

- Only programs created by local television stations and intended for kids, eighteen years of age or younger, are eligible. Submissions from production houses, independent producers, or networks are not eligible.
- Any locally produced program which aired during the broadcast year (September 1, 1987 through August 31, 1988 or rerun broadcast or activities which occurred during the same period) qualify for entry.
- Each videotape must be submitted on a 3/4" U-matic cassette.
- A completed entry form must accompany each entry.
- Programs or portions of programs must be submitted as they actually appeared on their country over the air (including commercials), but should not be otherwise edited for the competition.
- Stations may submit any number of entries, but each submission must be sent on a separate videotape.
- More than one winner per category may be selected.
- Entries must arrive at the NAB Television Department by midnight December 31, 1988 for consideration. All postage charges must be paid in advance by the station submitting the entry.
- Entries will only be returned after announcement of the winners, if calls are returns postage and a mailing label are included.
- A single entry fee of $50.00 per station is required regardless of the number of submissions. A check should be made payable to the National Association of Broadcasters.

Award Categories

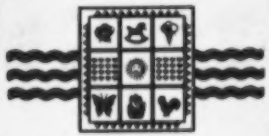
Awards will be given in each of the following ADI market groups: 1 - 25, 26 - 50, 51 - 90, 100 plus.

A. Regularly Scheduled Programs. Any length program which aired daily, weekly, monthly, quarterly, etc.

B. Special Programs. Special programs or segments of any length with a specific or seasonal theme which did not run on a regular basis.

C. Public Service Campaigns and PSAs. Any community service television campaign, community outreach program, or public service announcement developed for the benefit of children in the local viewing audience (including drug and alcohol abuse campaigns). Entries must include a one-page summary on history, development, implementation, and results of the campaign, outreach program, or public service announcement.

D. Drug and Alcohol Abuse Campaigns and PSAs. Any campaign or public service announcement directed to children on the prevention of drug or alcohol substance abuse. Entries must include a one-page summary on history, development, implementation, and results of the campaign or PSA.



The Post-Newsweek Award

Winning entries in Category A (Regularly Scheduled Programs) will be considered for a special $5,000 "Best of The Best" award sponsored by the Post-Newsweek Stations Group. In order to qualify for this award, the series must demonstrate a positive impact upon a significant audience in its target age group. Category A series winners will be contacted by NAB to supply documentation for this award.

Please call the NAB Television Department at 202/429-5382 if you have any questions about the criteria.

Mail entries to:
"Service To Children Television Awards," Television Department, National Association of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036

Entry Form

Station (Call Letters) _____

City and State _____

Current Arbitron ADI ranking _____

Award Categories (Check one):
- ☐ A. Regularly Scheduled Programs
- ☐ B. Special Programs
- ☐ C. Public Service Campaigns
- ☐ D. Drug and Alcohol Abuse Campaigns and PSAs

Program Name _____

Producer _____

Program Length _____

Program Demographics (geared to what age group) _____

Anchor _____

Submitted by _____

Title _____ Phone # _____

By entering the competition, entrants warrant to NAB that they possess or have secured all necessary rights, clearances, and/or licenses with respect to all materials and elements embodied in works submitted for the competition, and that the use by NAB of such works will neither violate nor infringe upon the copyright, trademark, privacy, creative, or other rights of any party not advancing the work. Entrants agree to defend, indemnify, and hold NAB harmless from and against any and all claims, damages, costs, and losses arising out of the breach of this warranty.

Agreed to by _____

authorized agent for _____ (station call letters)

Date _____

Mail entry to:
"Service to Children Television Awards"
Television Department
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

Mr. SWIFT. Mr. Wright, thank you very much.

I recognize now Mr. Robert Keeshan of Keeshan and Associates for your testimony.

STATEMENT OF ROBERT KEESHAN

Mr. KEESHAN. Thank you very much, Mr. Swift. It is good to see you all again. I thank you for affording me the opportunity to address the subcommittee on the subject of children and television, and, as many of you do know, I have been here before several times—many times. In fact, I count 10 members of this committee who were members a half a dozen years ago when I testified on the same subject.

In the years since then, we have not progressed in meeting the needs of America's children through television. In fact, with the implementation of deregulation, children's television in the commercial sector is more of a wasteland than when that description was first applied by a Federal Communications Chairman 28 years ago.

In the last decade, the fierce winds of deregulation have swept away virtually every notion of an industry with responsibility to this Nation's future, our children. Another Chairman of the FCC decreed, in that same time period, that: "The marketplace will take care of children." His prediction has been accurate, if the results were not exactly what he intended.

As long ago as 1982, FCC Commissioner Henry Rivera said that: "Broadcasters haven't been paying enough attention to the needs of children...the sad shape children's television is in today serves to remind me that, although reliance on market forces is normally preferable to regulation, blind, unthinking, or rhetorical reliance on the marketplace is an abdication of our duty to the public under the Communications Act." While Commissioner Rivera was expressing his anxieties, his Chairman was working at breakneck speed to unfetter the broadcast industry in a truly doctrinaire manner, putting abstract theory into effect without regard for practical difficulties.

Results in the commercial broadcast sector can only be regarded as disastrous by any thoughtful person concerned about the Nation's nurturing complex and the effect of television viewing on our children. Unlike other modern industrial nations, from Japan to Great Britain to the Soviet Union, we have declined to make television an important part of the Nation's nurturing system. Unlike other nations which know its power to educate, we have opted to protect the rights of broadcasters and have made television a tool not to nurture but to sell to children.

My own program, Captain Kangaroo, is a classic lesson in revealing the attitudes of licensees. For more than a quarter of a century on CBS, the program delivered very substantial audiences. Stations, always protective of their broadcast license, championed the Captain and warned off the News Division and any other threat to the program which was an important daily entry on their FCC broadcast log, and then, no log was required, no public service entry demanded. The large audiences were still there for the Cap-

tain Kangaroo program, but they were primarily children, commercially uninteresting for broadcasters.

Public service, the prime reason for the broadcast of a quality children's program, was gone. The program was replaced by a seemingly unending series of news broadcasts, which rarely achieved audiences of a greater size, but the audiences were totally adult, and thus does the marketplace take care of children.

As we focus on changes in the industry, it is important that we also look at changes in the audience. This is important because the American family has undergone radical changes in the last 20 years, changes which have caused it to rely more on television in the nurturing of our children. Almost 70 percent of American mothers work outside the home; a quarter of our children live in single-parent households, almost all headed by a working mother, busy and reliant on television to help her through a busy day. Twenty percent of American children live in poverty, reliant on free broadcast television for entertainment and education. More than ever before, the American family looks to free broadcast television to help in its nurturing tasks.

I do hope that the committee will address the serious issues of over-commercialization in children's television, and I hope that the commercial broadcast industry will be required to meet its obligations, along with every other American business, in nurturing our young and preparing for the Nation's future.

Captain Kangaroo has now moved to public television, where we are seen daily on 160 stations. In the last 3 years on public television, I have had a very difficult time. I thought that in coming to the public sector I would be afforded more time to meet creatively the needs of the Nation's children. To the contrary, I cannot afford to spend much time in meeting the needs of children. I'm spending my time looking for underwriters for the program, looking for money.

If the committee wishes to provide for the nurturing needs of our children, it might well take a look at children's programming in public television and undertake means to fund such programming. Instead of, or in addition to, funding reluctant commercial broadcasters to provide quality programming, I urge the committee to look at those many willing and talented producers who would provide programming of higher quality for our children through public television. We in public television are very willing to meet the needs of the future. So I ask you please to consider giving the resources to meet those needs.

I thank you very much.

Mr. SWIFT. Captain, thank you.

Dr. John Murray, chairman of the Department of Human Development and Family Studies at Kansas State University, welcome, and you may proceed.

STATEMENT OF JOHN MURRAY

Mr. MURRAY. Thank you, Mr. Chairman and members of the committee.

I've been asked to speak to the issue of television broadcasting structures and opportunities for children in other countries and

particularly Australia, where I spent some time during the course of the reform of their Broadcasting and Television Act and restructuring of programming for children.

If there is one theme that I would like to stress today, it is the theme that television is more than mere entertainment. I know I am preaching to the choir with members of the committee and many of the members of this panel, but it is not widely accepted in the American public. Quite frequently, the American public thinks of television as simply entertainment, diversion, something to do when there are not other things to do. But those who have looked seriously at the impact of television on children know that it is more than mere entertainment, that television is a teacher, and there are ways in which we can structure television for children which will capitalize on that teaching mode.

In my prepared testimony, which has been submitted for the record, I reported on a study that I and some of my colleagues conducted in the early 1980's comparing the structure of children's television in about 20 industrialized nations and excerpted from that a table which is listed in my testimony as table 1, which compares television broadcasting in England, Australia, and the United States, looking at both public and commercial television, and trying to calculate the amount of time devoted to children's programming and educational and informative programming on public and commercial television in those three countries.

The important point of that is that, in general, public television in all of those countries spends more time and more effort on children's programming and educational programming. But in countries such as England, with the BBC as a very strong public service programming agency, even the commercial program entity, the ITV, spends much more time devoting programming to educational programs for children than does commercial broadcasting in Australia or the United States, and that is interesting, because that says you can set a tone that the things that one does in the structure of the broadcasting system can set a tone that says children are important and we need to use television in an educational mode.

I would submit to you, with the permission of the Chair and the members of the subcommittee, the full text of that report which provides a discussion of other countries.

Mr. SWIFT. Without objection, that report will be received.

Mr. MURRAY. Thank you.

Moving to the Australian experience, I note toward the end of the testimony—well, before getting to that, table 2 outlines some information contained in a very important book written by Dr. Edward Palmer, published late last year, called "Television and America's Children: A Crisis of Neglect," where he compared funding for public television, and this is really what Robert Keeshan has talked about, that what you see is that funding in England, Japan, and the United States is really quite different.

England provides per capita funding of about $16 per person for the support of their public television, Japan about $11 per person, and the United States $4.58 per person. What that means is that England, with a population one-fifth the size of the United States, spends four times the amount of its broadcasting dollar on support

of public television, and that means more children's programming. So, again, referring to the concern raised by Mr. Keeshan, we need to look for ways to enhance that.

Turning then to Australia, which I have been asked to do, there is a long history of concern about children's television beginning in 1953 with the Royal Commission on Television Programming, but the main change came in about 1977 when the Australian Broadcasting Control Board was changed to the Australian Broadcasting Tribunal and they established an advisory committee called the Children's Program Committee. The Children's Program Committee set guidelines for the kinds of television programming addressed to children and ways to encourage increased programming.

I would ask, if at all possible, to submit to the committee, with the permission of the Chair, a brief description of the operation and structure of the Children's Program Committee of the Australian Broadcasting Tribunal and a listing of the regulations in force in Australia at the moment relating to children's television programming.

Mr. SWIFT. Without objection.

Mr. MURRAY. Thank you.

The main point of the regulations in force in Australia is that commercial television licensees are required to broadcast 1 hour of children's educational entertainment programming per day 5 days per week between the hours of 4 p.m. and 5 p.m. In addition, as of 1984, they were required to also produce and transmit ½ hour of preschoolchildren's programming—that is, programming for children under the age of 5—between the hours of 9 a.m. and 4 p.m. So 1½ hours of children's programming is mandated.

Now that is a very different structure, and I'm not particularly purporting that here, I'm just laying that out as an experiment that we could observe and take into consideration. I think H.R. 3966 goes a long way to promoting the notion that television really is more than mere entertainment, that television is a teacher and we must take television seriously in the United States.

In summary, returning to that theme of "television is more than mere entertainment," if I may be allowed an agricultural allusion, coming from Kansas, the seeds that we sow in early childhood through the television programming that we provide are the seeds that then are nurtured through the years and reap a harvest at age 20 when these children are now becoming the leaders and the stewards of our country.

We have the opportunity here, through the actions of this committee and through House 3966, to sow decent seeds for children's television and to provide that the harvest is not a bitter fruit.

Thank you.

[The prepared statement of Mr. Murray follows:]

Testimony of
John P. Murray, Ph.D.
Professor and Department Head
Human Development and Family Studies
Kansas State University
Manhattan, Kansas 66506

Mr. Chairman and members of the subcommittee, I am honored to be invited here today to testify on the ways in which children's television may be encouraged and enhanced through the consideration of policies enacted in other countries.

I am Dr. John P. Murray, Professor and Head of the Department of Human Development and Family Studies at Kansas State University. I have investigated various aspects of children's television for the past 20 years and during that time I have written 6 books and more than 40 articles concerning the impact of television on young viewers. I am here today to comment on my experience with the development of children's television in Australia as it relates to appropriate concerns in the United States. In this regard, I will draw upon my work as a social scientist and professor during a six-year period in Australia (1973-1979), my continuing involvement in research and program development with colleagues at Australian universities, and my consultation with the Australian Broadcasting Control Board and its successor, the Australian Broadcasting Tribunal from 1973 to 1988. In my testimony, I will describe some of the issues, concerns and recommendations discussed by child development professionals, members of the public and broadcasters. These issues are documented in parliamentary inquiries and investigations conducted by Australian broadcasters and their regulatory agencies.

There are many similarities in both the structure of broadcasting and the nature of concerns expressed about children's television in the United States and Australia. In both countries, there are commercial and public television systems which provide programming directed to young viewers. Moreover, there is considerable similarity in the forms of television programming available in both Australia and the United States, including the sharing of programs across the two countries.

One of the earliest concerns about television in both the United States and Australia was the question of the impact of televised violence on the behavior of

children. The issue of televised violence has persisted in both countries for about 40 years as evidenced by recent Congressional hearings and professional publications in the United States (United States Congress, 1984; American Psychological Association, 1985; Murray, 1980; 1988) and Australia (Parliament of the Commonwealth of Australia, 1978; Australian Psychological Society, 1978; Australian Broadcasting Tribunal, 1988).

However, in addition to these mutual concerns about television violence, there is evidence that both countries are interested in the availability and adequacy of the television programming for children. In particular, there are mutual concerns about the scope and relevance of educational programming for children and the frequency and impact of advertising directed to young viewers. For example, hearings conducted by this subcommittee last year led to the development of The Children's Television Act of 1988. Similarly, an inquiry by the Australian Broadcasting Tribunal (1987) has led to renewed interest in revising broadcasting and advertising standards.

Why are concerns about the availability of educational or informative programming for children, and the extent of advertising directed to young viewers, growing in both the United States and Australia? One answer is that commercial television stations provide little educational or informative programming for children. Often, such programming is not available because it is too costly to produce. Moreover, advertisers are not willing to sponsor such programs because they have specialized audiences targeting a very narrow age range (such as, Mister Rogers Neighborhood or Sesame Street).

To understand this possible relationship between commercial sponsor and the scarcity of educational programming, I and my colleagues compared samples of one week of television programming broadcast on public and commercial stations in England,

Australia, and the United States. Our reason for looking at these three countries is the fact that they differ in the nature of their broadcasting and regulatory systems. In England, the television system is strongly influenced by the BBC as a public service entity, in conjunction with a later-developed commercial broadcasting structure, the ITV. In the United States, television programming is strongly influenced by a commercial television system consisting of the three major networks in conjunction with PBS as a later-developed public service broadcaster. In Australia, the mix is more dynamic with a strong public service system, the ABC, which developed alongside a fairly strong commercial system.

Table 1 is excerpted from an article on "Children and the Structures of Television in Industrialized Nations" (Murray, 1981). Inspection of this table suggests that there are considerable differences in the frequency of children's programs and educational programming on public and commercial stations in each of the three countries, with public stations providing greater amounts of educational/informative and children's programming than commercial stations. But, equally interesting is the fact that the three countries differ in the overall level of educational and informative programming provided--with England offering the most educational and children's programming and the United States offering the least. Australia is midway between England and the United States in the extent of educational/informative programming offered on both public and commercial stations. This pattern is a reflection of the differing emphases on commercial or public service structures in the broadcasting systems of the three countries.

TABLE 1

One Week of Public and Commercial Television Programming in England, Australia, and the United States.[a]

Program Category	ENGLAND[b]		AUSTRALIA[c]		UNITED STATES[d]	
	Public	Public	Commercial	Public	Commercial	Public	Commercial
News & Public Affairs	24.5	12.0	13.0	13.8	5.2	22.5	14.0
Features & Documentaries	6.5	20.0	6.3	8.1	2.1	6.0	.5
Education	23.0	29.5	12.5	26.3	.4	26.0	2.0
Arts & Music	1.0	2.5	----	2.1	----	5.0	----
Children's Programs	11.5	6.5	8.0	20.8	7.5	27.0	4.0
Drama (plays)	4.5	4.5	3.1	2.8	----	----	----
Drama (series/serials)	7.0	4.0	16.6	9.8	24.5	5.0	17.0
Movies	6.5	11.0	12.0	3.2	33.3	5.5	18.0
General Entertainment	7.5	7.5	9.5	3.8	17.8	-----	24.5
Sports	6.0	1.5	6.2	8.4	6.1	2.0	4.5
Religion	1.0	----	.6	1.1	3.0	----	.5

NOTES:

(a) Sources: Williams (1974); Kippax & Murray (1979)

(b) Data collected in March, 1973. The public channels are BBC-1 and BBC-2. The commercial channel is Anglia.

(c) Data collected in April, 1978. The public station is ABC-2. The commercial station is TEN-10. Both stations are located in Sydney.

(d) Data collected in March, 1973. The public station is KQED. The commercial station is Channel 7. Both stations are located in San Francisco.

A somewhat different analysis, but one which leads to a similar conclusion, can be found in a recent book by Edward L. Palmer (1988) entitled, "Television and America's Children: A Crisis of Neglect." Dr. Palmer, the former Vice President of Children's Television Workshop, compared the per capita expenditures on the support of public broadcasting in England, Japan and the United States. As can be noted in Table 2, he found that both countries greatly surpass the United States in the allocation of funds with England spending $16.14 and Japan allocating $11.83 per person for their public television systems.

TABLE 2

Per Capita Support for Public Television in England, Japan and the United States[a]

	England	Japan	United States
Population	56 million	120 million	239 million
Public Broadcasting Revenues[b]	$904	$1,420	$1,096
Per Capita Support	$16.14	$11.83	$4.58

NOTES:

(a) Source: Palmer (1988)
(b) Revenue in millions; for 1985, converted to U.S. Dollars

If there is a link between a commercial television structure and the infrequency of educational or informative television programming available to children, then it might be useful to review the regulatory approach to this issue taken in other countries where children's programming is accorded a higher priority. As an example, I will offer the following historical outline of events concerning children's television programming and the regulatory issues addressed in Australia:

-- In 1953, the Royal Commission on Television received numerous expressions of concern from parents and teachers about the possible effects of various aspects of television programming on young viewers.

-- In 1956, the Australian Broadcasting Control Board appointed the first Children's Advisory Committee to consult on issues concerning children's television (Australian Broadcasting Control Board, 1976).

-- In 1971 and 1976 the Children's Advisory Committee issued guidelines for the development of children's programming.

-- In 1977, the Australian Broadcasting Tribunal was empaneled as a successor to the Australian Broadcasting Control Board and undertook a major inquiry into the issue of self-regulation for broadcasters.

- One result of the Tribunal Self-regulation Inquiry was the conclusion that children's programming could not be left to broadcaster self-regulation. Consequently, several detailed regulations concerning children's programming were promulgated in 1977.
- The 1977 proposed regulations included the introduction of a "C" classification for children's programming (indicating that such programs were designed for children), the requirement that only material classified as C could be transmitted between the hours of 4:00 p.m. and 5:00 p.m. on weekdays (C-time), and the establishment of the Children's Program Committee (CPC), with the aim of using the committee to promote and improve programs for children.
- The C program requirements were implemented in two phases -- a.) in July 1979, each commercial television station was required to televise an aggregate each week of not less than three hours of C programs between 4:00 p.m. and 5:00 p.m. on weekdays, and b.) in 1980 the C program requirement was increased to five hours of C programs each week between 4:00 p.m. and 5:00 p.m. on weekdays.
- The Children's Program Committee's functions were to provide advice to the Tribunal concerning the development of standards relating to children's programs, the transmission of advertisements and promotions during those programs, and the development of various aspects of the C classification.
- In 1984 the Children's Program Committee drafted a revision of the children's program standards and added special standards for preschool children's programming. The new standards confirmed the existing requirement for children's programming between 4:00 and 5:00 p.m. each weekday, set out criteria for C classifications, introduced a requirement that 50% of the C programs transmitted by the licensee must be first-release Australian-made programs, limited the repetition of C programs and the scheduling of back-to-

back episodes of the same series on the same day, consolidated and extended existing requirements relating to advertising in C time, required that licensees televise a minimum of eight hours of first-release Australian children's drama each year, and consolidated the requirement that licensees must televise a minimum of 30 minutes of preschool programs between 9:00 a.m. and 4:00 p.m. each weekday.

- In 1987, the Tribunal reaffirmed that regulatory action was necessary because there was a lack of quality, age-specific television programs for children and it was the Tribunal's duty to protect the interests of young viewers. (For more information, see: Australian Broadcasting Tribunal, 1987).

Clearly, the history of concern and regulation of children's television programming in Australia has reflected the belief that television is an important medium, one which can have a major influence on the growth and development of children. It is this belief that television is more than "mere entertainment" which has guided the Australian efforts to develop comprehensive programming for children. Most professionals and concerned citizens in the United States who advocate ways to enhance children's television firmly believe in the potential of television to promote the intellectual and emotional development of children. However, this is not a widely shared belief among American broadcasters.

Therefore, it is important to acknowledge that any changes in children's television programming or advertising in the United States will be difficult without the full support of the commercial television system. It is essential to find ways to encourage broadcasters to program more educational and informative programming for children and to encourage advertisers to take a longer-term view of the benefits to be derived from underwriting educational programs which may be directed to small but very important audiences.

Mr. SWIFT. Dr. Murray, thank you very much.

Our next witness is Mr. DeWitt Helm, who is president of the Association of National Advertisers.

Welcome to the committee, and you may proceed.

STATEMENT OF DEWITT HELM

Mr. HELM. Thank you, Mr. Chairman and members of the committee.

On behalf of ANA, I thank the committee for this opportunity to testify on the very important issue of television advertising to children, and I preface my remarks today by unequivocably stating that ANA strongly supports efforts to eliminate all false or deceptive advertising.

We believe that in the area of advertising directed to children special attention needs to be taken, and that is why ANA is a founding member and strong supporter of the Children's Advertising Review Unit and its work in policing children's advertising. ANA stands ready to work with the Federal Trade Commission, the Federal Communications Commission, CARU, and this subcommittee to eradicate false or deceptive advertising wherever it may occur.

Now my remarks today will focus on the provisions of H.R. 1679, the Children's Television Act of 1989. While this bill and its predecessor, H.R. 3966, in ANA's view, represent an improvement over earlier proposals in several important respects, it continues to raise a number of serious concerns for ANA and its members.

ANA believes that restrictions on advertising time will actually prove counterproductive to the subcommittee's goal of increasing and improving the quality and quantity of children's programming.

To achieve better programming in the children's area, advertisers and program producers must have the flexibility to determine how best to balance the entertainment needs of the audience with the financial requirements of good programming. By imposing arbitrary limits on the number of commercial minutes per hour of children's programming, Congress will be attempting to micro-manage the economics of children's television. In addition, the congressional imposition of arbitrary time limits on the amount of advertising during children's programming is, in our view, unconstitutional.

Now we have carefully reviewed the House report accompanying H.R. 3966, the same bill as H.R. 1679, and believe that the constitutional analysis contained in that report does not adequately respond to the requirements set by the Supreme Court in Central Hudson. In particular, H.R. 1679 fails to directly advance a substantial governmental interest in a manner no more extensive than necessary. Also, the definition of children's programming required by H.R. 1679 is arbitrary and divorced from any connection with children's real viewing habits.

The characterization of children's programming rests on a determination as to whom a program was originally produced for rather than who is likely to see that program. Children watch television throughout the day, and, in fact, children ages 2 to 5 spend an equal amount of time watching prime-time and weekday daytime TV. The advertising time limit restrictions basically ignore these

realities and offer a remedy that does not aid children. In this regard, imposition of quantitative limits on the amount of the advertising during children's programming does not directly advance what the committee has characterized as the substantial governmental interest in protecting children from excessive children's advertising.

In its report, the committee repeatedly stated that a child's conceptual inability to distinguish between programming and advertising and to critically evaluate the persuasiveness of the advertising message justified the imposition of advertising time limits.

Now if, for the sake of argument, one were to accept this view, it raises serious questions as to the efficacy and appropriateness of the advertising restrictions contained in H.R. 1679. The susceptibility of children to the persuasiveness of advertising is not meaningfully related to the number of commercial minutes involved.

Whatever supposed qualitative harm commercials would inflict in more than 12 minutes on weekdays they would certainly inflict in 6 minutes, or 5, or any lesser amount of time. Diminishing or increasing advertising time cannot in any way magically transform children's perceptual capabilities. Therefore, advertising time restrictions have no meaningful relationship to the problem the subcommittee has attempted to spotlight.

Finally, ANA believes that, as a general matter, market forces do currently operate to provide effective constraints on the amount of television advertising provided to children and to other segments of the population.

From the particular perspective of our members an advertiser's desire for an effective, uncluttered environment for his advertising will work to limit the number of commercial messages. Advertisers simply will seek to avoid a media environment in which too much advertising in a program effectively prevents any commercial from distinguishing itself.

Against this background, we strongly urge the subcommittee to reconsider the proposals contained in H.R. 1679 in regard to children's advertising.

I thank you very much.

[Testimony resumes on p. 178.]

[The prepared statement and attachment of Mr. Helm follows:]

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Statement of the
Association of National Advertisers, Inc.
by
DeWitt F. Helm, Jr.
President

Mr. Chairman and Members of the Subcommittee:

The Association of National Advertisers (A.N.A.) greatly appreciates this opportunity to testify. The role of advertising in relationship to children's programming raises extremely important issues of great concern to our membership.

A.N.A., as many of you are already aware, represents the vast majority of national and regional advertisers in the United States. Our membership includes companies with over 2,000 subsidiaries, divisions and operating units located throughout the country. Our Members provide nearly 80% of all national and regional advertising in this nation.

No legislation has been introduced to date in the 101st Congress to limit advertising during children's programming. Therefore, we are directing our comments to the legislation approved by this Subcommittee in the last Congress, H.R. 3966, "The Children's Television Act of 1988." Should new legislation be offered which goes beyond the provisions of H.R. 3966, A.N.A. requests the opportunity to respond to those issues as well.

Policy Goals

One of the congressional findings included in H.R. 3966 last year stated that "the financial support of advertisers assists in the provision of programming to children." (H.R. 3966, p. 1) In fact, advertising provides the total support for commercial broadcasting in the United States. A.N.A. believes that placing arbitrary limits on commercial speech on the broadcast media, as was mandated by H.R. 3966, will fail totally to further the laudable goals of increasing and improving the quality and quantity of children's programming. These restrictions, if anything, are likely to prove counterproductive and undermine these important goals.

A.N.A. also believes strongly that false or deceptive advertising deserves to be eradicated and that children particularly need this type of protection. It is for this reason that the Association of National Advertisers and its sister advertising associations, the American Association of Advertising Agencies and the American Advertising Federation, established an industry self-regulatory body, the National Advertising Division/National Advertising Review Board (NAD/NARB) of the Council of Better Business Bureaus. Within the NAD/NARB system, a separate Children's Advertising Review Unit (CARU) operates to monitor and assure the truthfulness of children's advertising. CARU is sensitive to the fact that advertising which may be totally acceptable for adults can be misunderstood by children.

This strong self-regulatory commitment in the children's area is shared by the major television networks, all of which have developed stringent standards governing advertising directed to children, and by the Association of Independent Television Stations (INTV) which has embraced the CARU guidelines.

If specific abuses remain, A.N.A. will be glad to assist the efforts of the Federal Trade Commission, the Federal Communications Commission, the Children's Advertising Review Unit, and this Subcommittee to counteract false or deceptive advertising. A.N.A., however, strongly opposes imposition of the governmentally mandated restrictions on truthful advertising contained in H.R. 3966. These restrictions serve no valid societal or governmental purpose. In fact, we believe these advertising time limit restrictions violate the First Amendment to the United States Constitution.

These concerns are not solely our own. The United States Department of Justice in a July 26, 1988 letter to then-Senate Majority Leader Robert C. Byrd clearly and unequivocally stated the Department's view that the restrictions in H.R. 3966, "which limit the duration of advertising in conjunction with children's programming, are unconstitutional." (D.O.J. letter, p. 1) A copy of the Department's letter is appended to this testimony for the Subcommittee's consideration.

"Children's Programming"

The advertising restrictions contained in H.R. 3966 of ten and one-half minutes per hour on weekends and not more than twelve minutes per hour on weekdays "in children's programming" (H.R. 3966 Section 3(b)) raise fundamental issues. The first issue is one of definition. The attempt to define "children's programming" required by H.R. 3966 as a trigger for limiting advertising time is constitutionally suspect. The Federal Trade Commission as part of its analysis of the children's advertising issue, for example, found that "an effective ban on television advertising directed to or seen by audiences composed of a majority or substantial share of young children cannot be implemented on the basis of audience composition data . . . or of definitions of advertising directed to children." (F.T.C. Final Staff Report and Recommendation In The Matter of Children's Advertising, 43 Fed. Reg. 17967, March 31, 1981, p. 37, 42)

This inherent and crucial problem was ignored in the drafting of H.R. 3966. Thus, essentially identical television programs with the same advertising and the same audience composition can be treated totally differently in regard to advertising restrictions, based solely on a determination of whether or not the program was originally "designed for children." (Children's Television Practices Act of 1988, 100th Congress, 2nd Session, House of Representatives Report 100 - 675, June 7, 1988, p. 17)

The characterization of a program as "designed for children" apparently rests on imputing whether a television program was "originally produced and broadcast primarily for an audience of children twelve years old and under." (emphasis added) (Id. at p. 17) The Committee report on H.R. 3966, however, makes clear that children's programming "does not include programs originally produced for a general or adult audience which may nevertheless be significantly viewed by children." (emphasis added) (Id at p. 17) The characterization of "children's programming" thus rests on a determination concerning whom a program was "originally produced for" rather than who is likely to see that program. A.N.A. believes that such an approach is clearly arbitrary and divorced from a valid connection with protecting children.

H.R. 3966 also completely fails in imposing advertising time restrictions to make adequate distinctions between the impact of these advertising limits on young children, older children (who are cognizant of the existence and purpose of advertising) and adults. This bill's restrictions would severely impact older children and adults; more than one-third of the audience of "Pee Wee's Playhouse," for example, which airs on Saturday mornings is twelve years old or older. Many other so-called "children's programs" have heavy viewership of older children and adults. As the Department of Justice has stated:

> For any restriction on speech, even one justified by the special susceptibility of children, cannot "limit [discourse] to that which would be suitable to a sandbox." Bolger v. Youngs Drug Products, 463 U.S. 60, 74 (1983). Inasmuch as H.R. 3966 either fails to include within it most programs and advertisements watched by children, or would radically limit the amount and types of programs and advertisements adults may watch, it is unlikely to withstand judicial scrutiny. (D.O.J. letter, p.4)

Weekdays and Weekends

The arbitrariness of this approach is further exacerbated by the fact that even in regard to programs characterized as "produced for children" the same television program, with the same audience will face more or less stringent advertising restrictions depending on whether the program airs on a weekday or on a weekend. As Representatives Tauke, Dannemeyer and Barton pointed out last year in their comments on H.R. 3966 " . . . there is no justification for placing greater limits on commercials during weekend programs than programs shown on weekdays." (Children's Television Practices Act of 1988, 100th Congress, 2nd Session, House of Representatives Report 100-675, June 7, 1988, p.21.)

Children and Advertising

As the Department of Justice pointed out, "[H.R. 3966] seems to be based on the view that children are especially susceptible to advertising and that this susceptibility on the part of the audience makes the speech misleading." (D.O.J. July 28, 1988 letter to then Senate Majority Leader Robert C. Byrd, p.5)

Even if one were to accept this view for the sake of argument, it raises serious questions as to the efficacy and appropriateness of the advertising restrictions contained in H.R. 3966. The "susceptibility" of children to the persuasiveness of advertising is not meaningfully related to the time involved. Whatever qualitative harm commercials supposedly would inflict in more than twelve minutes they would inflict in six minutes or five or any lesser amount of time.

This fact has constitutional significance. If limiting advertising time cannot transform the perceptual capabilities of children then the advertising time restriction remedy contained in H.R. 3966 cannot meet

the United States Supreme Court test for constitutionality. This test requires that 1) advertising restrictions must be based upon a substantial governmental interest; 2) must directly advance that interest; and 3) must be no more extensive than necessary to further that interest. Central Hudson Gas & Electric Corp. v. Public Service Commission of New York, 447 U.S. 557 (1980).

F.C.C. Guidelines and Congressionally Mandated Advertising Time Restrictions

When H.R. 3966 established specific limits on the number of commercial minutes during children's programming, it provided no meaningful context in which to evaluate whether such limits are "no more extensive than necessary," as required by the Central Hudson test. It is not sufficient, as the Committee attempted to state in its report last year, to simply dismiss this constitutional mandate by asserting that: "The time limits are manifestly reasonable; indeed they are less stringent than those previously adhered to by broadcasters voluntarily pursuant to the 1974 Policy Statement." (Children's Televisioin Practices Act of 1988, 100th Congress, 2nd Session, House of Representatives Report 100 - 675, June 7, 1988, p. 11) The Court in Central Hudson did not make "reasonableness" the criterion for determining the constitutionality of restrictions on commercial speech; rather it specifically required that restrictions be "no more extensive than necessary."

In fashioning its time limits, the Committee relied upon the former FCC advertising guidelines imposed in 1974 which were based on the old National Association of Broadcasters voluntary Code. However, the Committee totally ignored that major economic and constitutional changes have substantially transformed the environment for broadcast advertising. Both the FCC guidelines and the NAB Code were adopted prior to the 1976 Supreme Court ruling that held that commercial speech has substantial First Amendment

protection and prior to the Court's ruling in the Central Hudson case. Neither the FCC nor the NAB were compelled, therefore, to clear the constitutional hurdles this Subcommittee now must face.

A.N.A. believes it is essential that advertisers and program producers be given the flexibility to best determine how to balance the entertainment needs of the audience with the financial requirements of good programming. These needs will necessarily vary over time, and the government should not establish arbitrary limits which straightjacket the ability of advertisers and programmers to respond effectively to the marketplace and the public they serve. By imposing limits on the number of commercial minutes per hour of children's programming, the Congress would be attempting to micromanage the economics of children's television.

Onerous and artificial limits on the amount of advertising time allowed during children's programming will erode rather than enhance efforts to improve the quality and quantity of children's television. This step would be highly ill-advised at a time when viewership surveys suggest that fewer children are watching children's television; competition among broadcasters and video options has fragmented the children's audience; and children's programming costs are skyrocketing.

Marketplace Constraints

Despite the Subcommittee's hasty dismissal of marketplace forces as a restraint on the amount of advertising during children's television, there are in fact numerous market forces that do and will continue to provide important constraints on the amount of television advertising provided to children and other segments of the population.

The first and most obvious constraint is the time required for the programming itself in order to assure that it is effective in attracting viewers. Second, advertisers and broadcasters are sensitive to the growing competitition from other sources, including cable channels and video cassettes which carry little, if any, advertising, and from the multitude of competing television channels on public and commercial television. Third is the advertiser's need for an effective environment for his advertising. Advertisers will seek to avoid a media environment in which too much advertising in a program effectively prevents any commercial from distinguishing itself. Obviously other factors, such as parental supervision, the individual station's own policy with regard to the amount of advertising it will air, and the cost of advertising on the broadcast media, all contribute to determining the amount of advertising during any programming period.

"Program-length Commercials"

Finally, while the Committee chose not to address the subject of so-called "program-length" commercials last year, A.N.A. believes that the adoption of limits on the number of commercial minutes during children's programming lays the groundwork for future efforts to censor such programming, a step clearly violative of the First Amendment. Senator Tim Wirth (D-CO) drafted legislation last year which would have "deemed" any children's program to be a "program-length commercial" whose title or content is "based in whole or in part on specific products available to the public." Defining programs in this manner in conjunction with the imposition of commercial time limits would effectively impose a death sentence on all such programming, as the programs would violate the advertising time restrictions of H.R. 3966. Given the open-ended nature of such a policy, many of the classics of children's television from "Winnie the Pooh" to "Snow White and the Seven Dwarfs" to "Sesame Street" would be eliminated.

Clearly, imposing mandatory advertising time limits creates an increased opportunity for backdoor censorship through redefining children's television programming as advertising.

Conclusion

A.N.A. believes the imposition of arbitrary limits on the amount of truthful, nondeceptive advertising during "children's programming" is totally counterproductive. We believe these restrictions will undermine rather than enhance the goals of increasing the quality and quantity of children's programming. These types of restrictions are unconstitutional and do not provide any useful protection for children. The marketplace does place major constraints on the amount of advertising directed to children on the broadcast media. There is no reason for the government to impose mandatory restrictions. Finally, mandatory and arbitrary advertising time restrictions are an open invitation for further censorship and encroachment on the broadcasting media by the government. Therefore, we strongly urge that the Subcommittee reject the proposals previously contained in H.R. 3966 in regard to children's advertising.

0138A

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General Washington, D.C. 20530

July 26, 1988

Honorable Robert C. Byrd
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Mr. Leader:

This is to furnish the views of the Department of Justice on H.R. 3966, the "Children's Television Act of 1988," as passed by the House of Representatives. This Administration has firmly supported the reestablishment of government policies sensitive to the needs of children and the family. To that end, the President has, for example, issued Executive Order 12606 on the Family, 52 Fed. Reg. 34188 (September 2, 1987). The Justice Department, among other things, has waged a vigorous campaign to eradicate child pornography. The Administration applauds the efforts of the broadcast industry to increase both the amount and the quality of children's programming. We believe that broadcasters ought to be encouraged to continue these efforts.

While we are sensitive to the needs of children and the issues surrounding children's programming and recognize that balancing the concerns of the First Amendment with government regulation of the electromagnetic spectrum is an enormously complex issue, we nevertheless believe that sections 3 and 4(1) of H.R. 3966, which limit the duration of advertising in conjunction with children's programming, are unconstitutional. In addition, in light of our past comments and the President's veto of the fairness doctrine, we believe that section 4(2) of H.R. 3966, which permits the government to deny license renewals if a station does not carry what the government views as adequate programming for children, is unconstitutional. Furthermore, we note that this bill, by limiting advertising and, therefore, revenues, may have the unintended effect of reducing resources available for children's programming. Accordingly, if this bill is enacted in its present form, we will recommend presidential disapproval.

A. Description of the Bill

This bill would require the Federal Communications Commission (hereafter "FCC" or "Commission") to "initiate a rulemaking proceeding to prescribe standards applicable to commercial television broadcast licensees with respect to the time devoted to commercial matter in conjunction with children's television programming." Section 3(a) of H.R. 3966. Those standards, at a minimum, must limit the duration of advertising to not more than ten and one-half minutes per hour on weekends and not more than twelve minutes per hour on weekdays. Section 3(b) of 3966.

Section 4(1) of H.R. 3966 requires the FCC to "consider, among the elements in its review of an application for renewal of a television broadcast licensee" whether the licensee has complied with the limitation in section 3 on the amount of advertising time. In addition, section 4(2) directs the FCC to consider as part of a license renewal proceeding "whether the licensee has served the educational and informational needs of children in its overall programming."

B. Section 3 of H.R. 3966

This Department has previously set forth its views that content-based regulation of the broadcast media should be subjected to much the same scrutiny as regulation of print media. See Letter of August 7, 1987 from John R. Bolton, Assistant Attorney General, Office of Legislative Affairs, to Senator Daniel K. Inouye re: S. 1277 (copy attached). Our belief that content-based restrictions forcing broadcasters to carry certain types of programming is unconstitutional does not necessarily mean, however, that a court should appraise all regulations on broadcasting in precisely the same way that it assesses regulations on the print media. Even outside the broadcasting context, the Court looks at each medium differently, as is appropriate given the differences in character between various media. Regulations on billboards, for example, cannot be and are not scrutinized in precisely the same way that regulations of the print media are viewed. Metromedia Inc. v. City of San Diego, 453 U.S. 490, 500-01 (1981) (plurality opinion of White, J.) (citing cases).

Broadcasting must still, therefore, be assessed as a "uniquely pervasive" medium uniquely accessible to children. F.C.C v. Pacifica Foundation, 438 U.S. 726, 748 (1978). In addition, in assessing section 3 of H.R. 3966 we must take into consideration that the speech sought to be regulated is commercial speech, which according to the Supreme Court, is accorded by the Constitution "lesser protection . . . than . . . other constitutionally guaranteed expression." Central Hudson Gas & Electric v. Public Service Commission, 447 U.S. 557, 563 (1980). This lesser protection is especially appropriate where "the special problems of advertising in the electronic broadcast media" are involved." Bates v. State Bar of Arizona, 443 U.S. 350, 384

(1977), citing Capital Broadcasting Co. v. Mitchell, 333 F. Supp. (D.D.C. 1971), summarily aff'd sub nom. Capitol Broadcasting Co. v. Acting Attorney General, 405 U.S. 1000 (1972). Moreover, that the restriction is designed to protect children makes the government's interest particularly strong. Pacifica, 438 U.S. 726. Thus, in assessing the requirements of H.R. 1966, we need pay special attention to the increased susceptibility of young people and children to television advertising.

Notwithstanding the lesser protection accorded advertising broadcast to children, however, we are concerned that this bill, as written, is both over- and under- inclusive. This threshold problem is one of definition and applies to all of the restrictions imposed by each of the bills. That problem is defining what is a "children's program." Both the Federal Communications Commission and the Federal Trade Commission have undertaken, and abandoned, attempts to define "children's programming" in a manner consistent with the prohibition against overbreadth. See, e.g., Erznoznik v. City of Jacksonville, 422 U.S. 205, 216 (1975) (striking down regulation on overbreadth grounds). From February of 1978 until March of 1981, the Federal Trade Commission studied the issue of children's advertising. In the Matter of Children's Advertising, 43 Fed. Reg. 17967 (April 27, 1977). In the Final Staff Report and Recommendation, the Staff concluded that "[a]n effective ban on television advertising directed to or seen by audiences composed of a majority or substantial share of young children cannot be implemented on the basis of audience composition data . . . [or of] definitions of advertising directed to children." FTC Final Staff Report and Recommendation In the Matter of Children's Advertising, commenced at 43 Fed. Reg. 17967, March 31, 1981) ("Staff Report").

The F.T.C. Staff Report considered in great detail the feasibility of identifying the programs and advertisements directed towards children. It found that any attempt to reach more than an extremely limited number of programs "would affect 80% of the audience who are not young children who do not have their cognitive limitations . . . [and] would be overinclusive." Staff Report, at 39.[1] Similarly, the Staff Report could not successfully segregate audiences of young children from older children and from adults. Id., at 42-47.

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[1] The Staff Report focussed only on "'children who were too young to understand the selling purpose of or otherwise comprehend or evaluate advertising.'" Staff Report, at 36, quoting 43 Fed. Reg. 17,967, 17, 969 (1978). To the extent that the bill may limit speech to those children who are old enough to understand advertising, the government's interest -- in limiting the fraudulent and unfair effect of advertising on children -- lessens considerably in force. For those children old enough to understand advertising, the regulation ought to be scrutinized in such the same way that regulations on advertising directed at adults is scrutinized.

The F.C.C. arrived at a similar conclusion. The Commission said:

> The issue of definition relates not so much to the fringes of the category but to the basic purpose of the category itself. There are, as has been noted elsewhere, programs that are basically entertainment and that are also intended to be shared with an adult audience that nevertheless "teach millions of children each week fundamental truths about human relations and about the essential character of the American people." Both the Commission and the courts have recognized that "judgements concerning the suitability of particular types of programming are highly subjective."

Television Programming, 96 F.C.C.2d at 650-51 (footnotes and citations omitted).[2]

The efforts of the F.T.C. Staff and of the F.C.C., although not dispositive, cast substantial doubt on the likelihood that any limitation of the type included in this bill would withstand judicial scrutiny. For any restriction on speech, even one justified by the special susceptibility of children, cannot "limit[] [discourse] to that which would be suitable to a sandbox." Bolger v. Youngs Drug Products, 463 U.S. 60, 74 (1983). Inasmuch as the bill either fails to include within it most programs and advertisements watched by children, or would radically limit the amount and types of programs and advertisements adults may watch, it is unlikely to withstand judicial scrutiny.

Assuming that the definitional problem is surmounted, the restrictions still need withstand analysis as constitutionally permissible restrictions on commercial speech. In assessing such regulations, the Supreme Court has developed and employs a four-part test:

> At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted government interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is

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[2] As an example, the Commission noted, "the children's program with the highest child viewing, the Scoobydoo-Dynamutt Show, was seen by only half as many children as Happy Days, an adult program." TV Programming, at 650 n.39.

not more extensive than is necessary to serve that interest.

Central Hudson, 447 U.S. at 566.

So long as it is not misleading, the typical commercial[1] advertisements interspersed throughout the typical program are unquestionably protected by the First Amendment. Central Hudson, 447 U.S. at 567 ("Even in monopoly markets, the suppression of advertising reduces the information available for consumer decisions and thereby defeats the purpose of the First Amendment."). Section 3 of the bill, it seems, is predicated upon the assumption that advertisements aimed at children are somehow inherently misleading: they find that "television operators and licensees . . . should follow practices in connection with children's television programming and advertisements that take into consideration the characteristics of this child audience." Section 3(5)of H.R. 3966.

This is not an assertion, however, that the advertisements themselves are misleading. Rather, the bill seems to be based on the view that children are especially susceptible to advertising, and that this susceptibility on the part of the audience makes the speech misleading. Were the advertisements themselves misleading, they could lawfully be regulated under the First Amendment. But, as noted above, children's television programs and advertisements aimed at children are watched by adults as well, who are not misled by them. These programs and advertisements therefore, are, under the Supreme Court's analysis, protected by the First Amendment. That the programs are primarily geared towards and watched by children simply means that in weighing the government's interest against the statute's effect on the protected commercial speech, the Court's thumb will not rest as heavily on the speech side of the scale. Lehman v. Shaker Heights, 749 F.2d 893, 898 (D.C. Cir. 1984), quoting Kalven, The Concept of the Public Forum: Cox v. Louisiana, 1965 Sup. Ct. Rev. 1, 28.

Turning to the second factor, the asserted government interest is, in this context, unquestionably substantial. The Court has long held that "the government's interest in the 'well-being of its youth' and in supporting 'parent's claim to authority in their own household' justified the regulation of otherwise protected expression." F.C.C v. Pacifica Foundation, 438 U.S. 726, 749 (1978). This interest, when combined with the "uniquely pervasive presence [of television] in the lives of all Americans," id. at 748, makes government's interest weighty.

"The last two steps of the Central Hudson analysis basically involve a consideration of the 'fit' between the legislature's ends and means chosen to accomplish those ends." Posadas de Puerto Rico Association v. Tourism Company of Puerto Rico, 106

interest. Even under the lenient standard set forth by Justice White in Metromedia Inc. v. City of San Diego, 453 U.S. 490, 509 (1981) (plurality opinion of White, J.), we are concerned that a limitation on the amount of advertising is a "manifestly unreasonable" way of dealing with the issue. If certain kinds of advertising are particularly unfair and misleading to children because of their cognitive inability to distinguish between programming and advertising, then the kind of advertising done should be regulated, rather than imposing a blanket limitation on the amount of advertising.

Furthermore, the limitation on the amount of advertising may have a severely deleterious effect on the amount of available children's programming. As the F.C.C. said in its 1974 Policy Statement:

> Banning the sponsorship of programs designed for children could have a very damaging effect on the amount and quality of such programming . . . . It seems unrealistic, on the one hand, to expect licensees to improve significantly their program service to children and, on the other hand, to withdraw the major source of funding for this task.

Children's Television Programs; Report and Policy Statement, 39 Fed. Reg. 39396 (November 8, 1974), as reconsidered and affirmed, 55 F.C.C.2d 691 (1975). Even though the bill finds that children need to be protected from "overcommercialization on television," section 2(4), the setting of strict quantitative limits on the amount of advertising necessarily restricts the revenues available for financing the production of programming, and thus may defeat the purpose of this statute by resulting in a net reduction of available children's programming. This is undesirable as a policy matter and implicates the portion of the constitutional analysis seeking congruence between the stated ends and the means employed.

C. Section 4(2) of H.R. 1966

As noted above, in our letter to Senator Inouye concerning S. 1277 we stated our belief that the "differences in character" between the broadcast and print media traditionally used to justify the application of a different First Amendment standard to broadcasting than is applied to the print media no longer

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3 If all advertising directed at children is inherently unfair and misleading, then the reasonable solution is to ban it; merely limiting the amount of all advertising points out the unreasonableness of such a limitation. The limitation is thus too broad -- by sweeping within its ambit advertising that is not unfair or misleading -- or it is not broad enough -- by continuing to permit unfair or misleading advertising on the air.

justify the application of a different First Amendment standard to broadcasting than is applied to the print media no longer adequately justify unequal treatment for content-based regulations. We reiterate that which we said on page 3 of this letter: our conclusion that content-based restrictions forcing broadcasters to carry certain types of programming is unconstitutional does not necessarily mean that courts should in all events equate regulations on broadcasting with regulations on the print media and assess them in the exact same way. The differences in character between various media alter the context and the analysis. There is, however, one constant, that embodied in the First Amendment: a healthy fear of government interference with what free citizens wish to say and not to say.

That fear is vital to the preservation of the freedom the Constitution guarantees and which we want our children to enjoy. The Constitution does not empower the federal government to oversee the programming decisions of broadcasters in the manner prescribed by this bill. Here we must temper our justifiable concern for our children with the respect due our tradition of free speech.

We have previously stated our belief that there is tension between that tradition and the leading case in this area, Red Lion Broadcasting Co., Inc. v. Federal Communications Commission, 395 U.S. 367 (1969). There, the Supreme Court held that the so-called "fairness doctrine" — which required broadcasters to "afford reasonable opportunity for the discussion of conflicting views on issues of public importance," 47 C.F.R. 73.1910 — was constitutional. In our letter to Senator Inouye regarding S. 1277, we set forth our view that Red Lion is in no longer good law in light of technological changes in the broadcast media. We went on to say that we now believe that the rationale on which the Court based its decision — the inherent scarcity of broadcast outlets — no longer has factual support.

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[3] (Cont.) smaller dosages.

[4] As we noted in our letter, the Court there evinced a willingness, however, to reconsider its decision. It said, "if experience with the administration of these doctrines indicates that they have the net effect of reducing rather than enhancing the volume and quality of coverage, there will be time enough to reconsider the constitutional implications." 395 U.S. at 393. Since then, the Court has noted that the scarcity rationale underlying Red Lion has become increasingly suspect in recent years, and that the decision remains subject to reconsideration. FCC v. League of Women Voters, 468 U.S. 364, 376-379 nn.11-12. However, the Court thus far has declined to undertake such a reconsideration until it receives "some signal from Congress or the FCC that technological developments have advanced so far that some revision of the system of broadcast regulation may be required." Id. at 377 n.11.

Moreover, as you know, the President recently vetoed a bill that would have enacted the so-called fairness doctrine into public law. In his veto message, the President heartily endorsed the FCC's factual determination that changed conditions have rendered Red Lion's rationale obsolete. The President stated that "[i]t may now be fairly concluded that the growth in the number of available media outlets does indeed outweigh whatever justifications may have seemed to exist at the period during which the [Red Lion] doctrine was developed." Veto Message of the President of June 20, 1987. The President also questioned the extent to which restrictions on broadcasting can be justified in light of the First Amendment:

> Quite apart from these technological advances, we must not ignore the obvious intent of the First Amendment, which is to promote vigorous public debate and a diversity of viewpoints in the public forum as a whole, not in any particular medium, let alone in any particular journalistic outlet. History has shown that the dangers of an overly timid or biased press cannot be averted through bureaucratic regulation, but only through the freedom and competition that the First Amendment sought to guarantee.

Id.[6]

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[5] In that report, the FCC further questioned the fairness doctrine. In re Inquiry into Section 73.1910 of the Commission's Rules and Regulations Concerning the General Fairness Doctrine Obligations of Broadcast Licensees, 102 F.C.C.2d 143 (1985) (hereinafter "FCC Report"). The Commission stated, "in light of the substantial increase in the number and types of information sources, we believe that the artificial mechanism of interjecting the government into an affirmative role overseeing the content of speech is unnecessary to vindicate the interest of the public in obtaining access to the marketplace of ideas. Were the balance ours alone to strike, the fairness doctrine would thus fall short of promoting those interests necessary to uphold its constitutionality." Id. at 156.

[6] As noted above, the Supreme Court has stated its willingness to reconsider Red Lion upon "some signal from the FCC or Congress." FCC v. League of Women Voters, 468 U.S. at 377 n.11. At the time the Court decided League of Women Voters, the FCC had already proposed to abandon the fairness doctrine regulations. Id. at 378-79 n.12. We think that in waiting for a signal from "Congress," the Court was in reality referring to the legislative process. The legislative process has run its course with respect to the fairness doctrine, and it has not been enacted into law. It may well be, therefore, that recent events have further increased the likelihood that the Supreme Court will reconsider the

Accordingly, whether the rationale underlying Red Lion no longer applies or whether Red Lion itself was decided upon a faulty premise, we believe that the content-based provision of H.R. 3966, section 4(2), must now be subjected to the same strict scrutiny applied to other federal statutes seeking to restrict the First Amendment rights of non-broadcast media. Under that scrutiny, section 4(2) is unconstitutional.

Put simply, section 4(2) directs the FCC to consider the content of a broadcaster's programming in determining whether the broadcaster is entitled to renewal of his license. The constitutional offensiveness of such a requirement is illustrated by the view traditionally taken of this kind of content-based regulation outside the broadcast context. For example, in Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241, 256 (1974), the Court struck down a statute requiring a newspaper to grant equal space to a political candidate to reply to criticism and attacks on his record. The restriction "constituted the compulsion by government on a newspaper to print that which it would not otherwise print." 418 U.S. at 256. This was impermissible, the Court said, because

> [a] newspaper is more than a passive receptacle or conduit for news, comment, and advertising [footnote omitted]. The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and the treatment of public issues and public officials — whether fair or unfair — constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time.

418 U.S. at 258. Section 4(2) of H.R. 3966 mandates precisely that which the First Amendment seeks to avoid: government oversight of the choices licensees make about what to broadcast and what not to broadcast. See generally In re Children's Televi-

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[6] (Cont.) Red Lion decision at its next opportunity.

[7] Significantly, in Tornillo, the Supreme Court rejected the argument that the actual scarcity of the print media justified a content-based regulation. It has been empirically established that the actual scarcity of print outlets is, in fact, far more severe than the physical scarcity presented by the electromagnetic spectrum. See Senate Committee on Commerce, Science, and Transportation: Print and Electronic Media: The Case for First Amendment Parity, S. Print 98-40, 98th Cong., 1st Sess. 36-43 (1983). If the more severe scarcity of print outlets did not

sion Programming and Advertising Practices, 96 F.C.C.2d 634 (1984) (Report and Order Terminating Proceeding) ("TV Programming"). It is offensive to the First Amendment and we oppose its enactment.[8]

To be clear, we do not here imply that under no circumstances could a content-based restriction on broadcasting be upheld as constitutional. See, e.g. Pacifica, 438 U.S. 726. Nor do we mean in any way to impugn the importance of providing quality programming for children, or the general importance of addressing the needs of children in forming government policy. The policy concerns addressed in this bill, however, cannot override the requirements of the First Amendment. In addition, we note that there exist other means for achieving the objectives of this bill.

In sum, we recognize the government's interest in the well-being of its youth and the positive sentiments that underlie this legislation. We are nevertheless concerned generally that because of the difficulty of defining "children's programming," any attempt to regulate advertising practices directed at children is constitutionally problematic. Moreover, even if such programming can be satisfactorily defined, we are concerned that a blanket limitation on the amount of advertising -- rather than regulation of the type of advertising -- is unreasonable. Finally, in light of our past comments and the President's veto

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[7] (Cont.) justify the content-based restrictions in Tornillo, neither should the less severe scarcity of broadcast outlets justify section 4(2) of H.R. 3966.

[8] We hasten to add that government review of a broadcaster's programming as part of a license renewal proceeding is very different than a governmental refusal to subsidize an activity or an organization based upon the content of its speech. As the First Circuit said in rejecting a first amendment challenge to a New Hampshire Commission of the Arts refusal to continue funding a magazine based upon its content, "neutrality in a program for public funding of the arts is inconceivable." Advocates for the Arts v. Thomson, 532 F.2d 792, 797 (1st Cir. 1976). Neutrality in determining to whom public monies or tax benefits should be awarded is similarly impossible. In the broadcast context, however, neutrality is plainly conceivable -- licenses can be awarded based on factors other than the content of a broadcaster's programming. Moreover, in its capacity as proprietor/subsidizer, government can choose to subsidize -- whether directly or indirectly, through things like tax benefits -- one activity or another based upon its conception of the public interest. See, e.g., Regan v. Taxation with Representation of Wash., 461 U.S. 540, 544 (1983). In its capacity as regulator/"traffic officer" of the airwaves, however, it may not condition access to them upon the surrender of the constitutional right of free speech.

of S. 742 last year, we believe that requiring broadcasters to carry certain types and amounts of programming -- even if the purpose is to benefit children -- is unconstitutional.

For the foregoing reasons, if this bill is passed in its current form, we would recommend its disapproval. The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Thomas M. Boyd
Acting Assistant Attorney General

Mr. SWIFT. Thank you very much, Mr. Helm.

Dr. Helen Boehm, who is vice president of the Children's Advertising Review Unit of the Council of Better Business Bureaus, welcome to the committee, and you may proceed.

STATEMENT OF HELEN L. BOEHM

Ms. BOEHM. Thank you. It is a pleasure to speak with you this morning.

We are the self-regulatory mechanism for the children's advertising industry. Although it is not usually the policy of the Council of Better Business Bureaus to either support or oppose pending legislation, we appreciate the opportunity to acquaint you with our concerns about the issues addressed by this committee in recent years as well as to inform you about the role of CARU in the industry's self-regulatory process.

At CARU, we feel that kids don't yet have the skills and experience with which they can fully understand or evaluate some forms of advertising communications. The abilities necessary for children to make wise purchase decisions and become responsible consumers are still in the formative stage. Therefore, certain advertising techniques and strategies which are appropriate for adults may be confusing or misleading for children.

Like many of you here, as a parent, I often wondered who is watching what my children are watching. Mr. Chairman and members of the subcommittee, concerning child-directed television advertising, I can assure you that at CARU we are watching.

We do not address the quantity of commercial time youngsters are exposed to but, rather, the quality and clarity of the advertising message. CARU's guidelines are subscribed to by the children's industry and endorsed by major broadcasters and trade associations. They are periodically revised to reflect new insights gained from experience and research relating to children.

In practice, the self-regulatory guidelines lead advertisers through some interesting questions and provide important industry standards. For example: Is fantasy contained in a commercial? Is it clearly just pretend? And, is it balanced with an accurate depiction of the product and its capabilities? Does the commercial put pressure on children by suggesting they will be superior to friends or more popular by owning a product? And, does an ad imply that an adult who buys a product for a child is better or more caring than one who does not?

CARU advocates, as does the Council of Better Business Bureaus, the strengthening of self-regulation whenever possible and wherever feasible, and this committee's reliance on self-regulation as the preferred way to control potentially abusive practices, because self-regulation has been shown to be effective and long lasting.

Indeed, the success of self-regulation can be demonstrated by an example involving an area of concern to the members of this committee—namely, that of endorsement of a product by a program character. This program and kind of practice has been referred to in the past as host selling. Studies conducted and reported by our academic advisors have shown that endorsement by a character, even the more appearance of a character with a product, can sig-

nificantly alter a child's perception of that product. The use of a familiar cartoon or other program character in advertising may actually hamper a child's ability to distinguish between program content and a commercial.

In compliance with our guideline which states, "Program personalities, live or animated, should not promote products, premiums, or services in or adjacent to programs primarily directed to children in which that same personality or character appears," advertisers have responded by carefully labeling commercials to allow appropriate program placement.

I am pleased to report to you today that our monitoring of children's viewing time on television networks, independent, and cable stations throughout the country over the last year revealed only seven instances of host selling, and in each of those published cases the mistaken labeling or positioning of the commercial had occurred.

At CARU, it is our belief that the problem of character endorsement as well as other issues concerning children's advertising can be diligently and effectively overseen as well as controlled, through the self-regulatory process. We feel it was, therefore, appropriate to eliminate the discussion of host selling from the current legislation. CARU will continue to monitor children's advertising very carefully.

The Council of Better Business Bureaus sincerely appreciates the opportunity to share its views before the subcommittee, and we certainly commend you on your attention to this very important of children's issues.

Mr. MARKEY. Thank you, Doctor, very much.

[The prepared statement of Ms. Boehm follows:]

STATEMENT OF HELEN L. BOEHM

It is a pleasure to speak with you this morning. My name is Dr. Helen Boehm and I am the director and vice president of the Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus. The Council of Better Business Bureaus is a membership-based public service agency supported by 650 national consumer products, consumer services and related business firms. Through its network of local Better Business Bureaus, the Council represents 237,000 local and regional businesses and responds to over 10 million consumer contacts each year. We are the self-regulatory mechanism for the children's advertising industry. Although it is not usually the policy of the Council of Better Business Bureaus to either support or oppose pending legislation, we appreciate the opportunity to acquaint you with our concerns about the issues addressed by this committee in recent years, as well as inform you about the role of CARU in the industry voluntary self-regulation process.

At CARU, we feel that children do not yet have the skills and experience with which they can fully understand or evaluate some forms of advertising communications. The abilities necessary for children to make wise purchase decisions and become responsible consumers are still in the formative stage. Therefore, certain advertising techniques and strategies which are appropriate for adults may be confusing or misleading to children.

In response to an emerging children's market place, CARU, a department of the National Advertising Division (NAD) of the Council, was established in 1974 by the advertising industry. Supported by consumer products firms, its mission is to safeguard responsible advertising to children and to promote truthful, accurate marketing messages which are sensitive to the special nature of its audience.

Like many of you here, as a parent I often wondered, "Who is watching what my children are watching?" Mr. Chairman and members of the subcommittee, concerning child-directed television advertising, I can assure you that, at CARU, we are watching.

Our basic activity is the review and evaluation of commercials directed toward children under the age of 12. When advertisements are found to be misleading, inaccurate or inconsistent with CARU's self-regulatory guidelines, we seek change through the voluntary cooperation of advertisers. These decisions are reported in the NAD Case Report, which is published monthly and distributed nationally.

We do not address the quantity of commercial time youngsters are exposed to, but rather the quality and clarity of the advertising messages. CARU's guidelines are subscribed to by the children's industry and endorsed by major broadcasters and trade associations. They are periodically revised to reflect new insights gained from experience and research relating to children. In practice, the self-regulatory guidelines lead advertisers through some interesting questions and provide important industry standards. For example:

Can a child tell how large a product is and what it can do?

If fantasy is contained in a commercial, is it clearly "just pretend" and balanced with an accurate depiction of the product and its capabilities?

Is the product already assembled as shown in the commercial or must someone put it together? And, are batteries required or included?

Does the commercial put pressure on children by suggesting that they will be superior to friends or more popular by owning the product being advertised?

Does the ad imply that an adult who buys a product for a child is better or more caring than one who does not?

CARU's own monitoring of broadcast and cable television, radio, and children's magazines and comic books has been the largest single source of cases for investigation over the years. Local better business bureaus also refer consumer questions and complaints to our office for action, and, of course, we hear from kids. Since 1974, we have published 258 cases concerning child-directed advertising and, in response to CARU initiatives, 215 of these commercials were either voluntarily modified or discontinued as a result of our inquiry. The remaining 43 of these cases were, after our investigation, found to be accurate and not in violation of our guidelines. Last year alone, we were successful in having the industry change or discontinue 23 commercials which did not comply with our standards.

CARU advocates, as does the Council of Better Business Bureaus, the strengthening of self-regulation whenever possible and wherever feasible—and this committee's reliance on self-regulation as the preferred way to control potentially abusive practices—because self-regulation has been shown to be effective and long lasting. Indeed, the success of self-regulation can be demonstrated by an example involving an area of concern to the members of this committee, namely that of endorsement of a product by a program character. This practice has been referred to as "host selling".

Studies conducted and reported by our academic advisors have shown that endorsement by a character—even the mere appearance of a character with a product—can significantly alter a child's perception of that product. The use of familiar cartoon or other program characters in advertising may actually hamper a child's ability to distinguish between program content and commercials.

In compliance with our guideline which states: "Program personalities, live or animated, should not promote products, premiums or services in or adjacent to programs primarily directed to children in which the same personality or character appears". Advertisers have responded by carefully labeling commercials to allow appropriate program placement. I am pleased to report to you today that our monitoring of children's viewing time on television networks, independent and cable stations throughout the country over the last year, revealed only seven instances of "host selling". And, in each of those published cases, a mistake in labeling or positioning of the commercial had occurred.

At CARU, it is our belief that the problem of character endorsement, as well as other issues concerning children's advertising, can be diligently and effectively overseen and controlled through the self-regulatory process. We feel it was, therefore, appropriate to eliminate the discussion of "host selling" from the current legislation. CARU will continue to monitor children's advertising very carefully.

The Council of Better Business Bureaus sincerely appreciates the opportunity to share its views before this subcommittee. We commend you on your attention to this most important of children's issues.

Mr. MARKEY. Our final witness is Peggy Charren, who has been a long-time champion of children's television legislation, so much so that the issue itself is almost identified with her in terms of the need for national legislation on this subject.

As I have said before, her greatness is that she combines the energy of an 8-year-old with the wisdom of a grandmother, and it is a very effective and powerful force that combination gives to her and to the arguments which she has brought to this committee over the last decade, and my hope is that this year we will finally see the culmination of all of your efforts.

So welcome.

STATEMENT OF PEGGY CHARREN

Ms. CHARREN. I'm sure we will, and I hope we will, because I really am a grandmother and there's probably a limit to all that energy.

I want to say that we have gone over this so often that when it was foggy yesterday in Boston I wasn't even nervous that I was going to miss the hearing. If there is one hearing where a robot could have said what Peggy Charren is going to say today, this was probably the hearing, and that is very comforting.

I think the only person whose testimony I disagree with at this panel is the representative of the advertising industry, whose comments, I think, are only unbelievable given the history of their efforts on behalf of children and advertising for the last 20 years. That is the one place where we can really show how self-regulation works. A third of the advertising to children when ACT began was for vitamin pills that said on the back of the bottle, by law, "Keep out of the reach of children," and they were sold to kids like they were candy. The idea that the marketplace works to limit commercials to children when it is appropriate is really more than done in by those posters.

Mr. MARKEY. Mr. Helm, have you met Ms. Charren before?

Mr. HELM. Many times.

Gilbert Weil sends her his best wishes.

Ms. CHARREN. I bet he does. I bet he does.

And I really think it is unfortunate that that industry didn't focus on what it is doing for and to children in the way that a lot of the broadcasting industry has. I think that that is really one of the major stains on the history of American television.

To get to my prepared remarks, we are all familiar with the three R's of school education—reading, writing, and arithmetic. I want to talk today about the three R's of television education—restriction, requirement, and reporting. The American children need restrictions on the amount of advertising permitted in children's programming; they need a requirement for stations to provide educational programs for children, and they need reporting by stations to the FCC on how each licensee has fulfilled this requirement.

TV broadcasters will have to pay attention to these three R's if they want to participate in the biggest R of all, renewal, and we agree with everybody who has already said that this bill gives Congress the chance to right a wrong; the wrong was obviously the veto of a bill that had the support of Democrats and Republicans, of organizations concerned with children, and even the industry it would regulate, which, by the way, we are very appreciative of. We know just how much chance this bill would have if the industry were fighting it tooth and nail.

The factors that caused the bill to pass so enthusiastically last year are still in effect: There is almost no nonfiction programming for children on commercial television. In fact, last year we could probably point to NBC's Main Street as one of the holes that you talk about with pats on the back. But there is news for children: That has been cancelled, and nothing came in its place.

With few exceptions, there is no news, no information, no biography, no history, no geography, nothing that would show up in the nonfiction shelves of a children's library. The amount of advertising per hour is even higher than the levels in place in 1987 when the court of appeals said the market did, in fact, operate to restrain the commercial content of children's television.

Now the escalating costs of programming, which is sometimes given as an excuse for more advertising, don't seem to have escalated the amount of advertising that we target to adults, who don't really love advertising and tend to zap it when they get a VCR; children don't; they think it's nifty.

I will skip over what the National School Board said in its 1983 report, although it is in my prepared testimony and I want to enter that in the record. It said that the economic costs associated with failure to compete are enormous and that the board should recommend Federal regulation of commercial stations to include, at a time convenient from the point of view of the student, a required period of educational programming for children.

Now this bill doesn't go that far, but it does guarantee that the mandate of the Communications Act requiring stations to serve the public interest include serving the educational needs of children. It puts a cap on the number of commercials, and those suggested limits are generous to broadcasters. In a perfect world, perhaps we wouldn't sell to children at all on television, but the world isn't perfect, and politics is negotiated comprise, and the limits of 10½ and 12 minutes an hour are better than the 13 and 14 minutes an hour that occur at least sometimes today and that might climb higher without this legislation.

I would like to submit ACT's study of commercial time in children's TV for the record.

Some believe that alternate TV delivery systems solve the problem of inadequate broadcast service to children, but obviously poor families cannot afford the expensive options of cable and home video; less than 30 percent of American homes subscribe to pay cable; the average retail price of video cassettes—although, of course, they can be rented—but the price for the cassettes, based on children's books and music videos and other educational cassettes, is about $20.

A discouraging recent development is that some toy manufacturers are using home video as an advertising medium, selling toy-based video cassettes complete with commercials for as low as $3.99—that is happening with Tyco and Dino Riders—and, of course, poor parents see $3.99, and that is more important than what the tapes say. In shopping for home videos, those things are making out like crazy, and that is a problem that the Nation's libraries are going to have to move in on, I think, with lending video cassettes.

Public broadcasting is a major national resource in this country, and I don't want my enthusiasm for this children's television bill to indicate at all that I don't think it is at least as important to adequately and more than adequately fund public television. But we must remember when we celebrate its wonderful successes and the appearance of the man with those big pockets—I think of him now as a farmer sowing seeds after listening to John Murray talk—that is is only one channel, and in very few cities are we as fortunate as Boston with two. We should have saved two for every city and town in the country, and then we would be better off in this country. But it is one channel, and they are doing preschool programming.

There is no public television for the 6- to 10-year-old. There is no public broadcasting for the 10- to 15-year-old. There are too many differences in that 2- to 15-year-old age group to let one channel do it all.

Television can be a major force in enriching the lives of children. The Committee on Economic Development, which is 225 trustees who are top executives, said that this Nation cannot continue to compete and prosper in the global arena when more than one-fifth of our Nation, our children, live in poverty and a third grow up in ignorance. Television can really do a job about that and reach just about every child in America with that magic box. It is cost effective. We think President Bush, who wants to be known as the education president, will welcome this opportunity to provide a window for education without adding to the deficit or pushing up taxes.

Thank you for the opportunity to come down, and may I add, by the way, you know, I get all the very nice kudos for ACT because I have such a big mouth, but the fact is, I would be nothing without the support of this incredible list of organizations, from the American Academy of Child and Adolescent Psychiatry to the National Organization for Women, the PTA, the Council of Catholic Women; it is an enormous group of people in America who support everything you are doing here today and can't wait until this is a piece of legislation. I would like to enter the list for the record.

Mr. MARKEY. It will be inserted in the record at the appropriate point.

[The prepared statement and attachments of Ms. Charren follow:]

STATEMENT OF PEGGY CHARREN

We are all familiar with the three Rs of school education: reading, 'riting and 'rithmetic.

Today I want to talk about the three Rs of television education: restriction, requirement and reporting. American children need restrictions on the amount of advertising permitted in children's programs; they need a requirement for stations to provide educational programs for children; and they need reporting by stations to the FCC on how each licensee has fulfilled this requirement. TV broadcasters will have to pay attention to these three Rs if they want to participate in the biggest R of all: Renewal.

The Children's Television Act of 1989 gives Congress a chance to right a wrong. The wrong in this case was the veto of a bill that had the support of Democrats and Republicans, of organizations concerned with the needs of children, and even had the support of the industry it would regulate.

The factors that last year caused this bill to pass the House by a vote of 328 to 78 and the Senate with a unanimous voice vote still exist.

There is almost no non-fiction programming for children on commercial television. With few exceptions, there is no news, no information, no biography, no history, no geography, nothing that would show up on the non-fiction shelves of a children's library.

The amount of advertising per hour on children's programming is even higher than the levels in place in 1987, when the U.S. Court of Appeals stated that it was "an unthinkable bureaucratic conclusion that the market did in fact operate to restrain the commercial content of children's television."

What the National Science Board found in its 1983 report for the National Science Foundation, "Educating Americans for the 21st Century," is still true. The report concluded that never before has our country been so painfully confronted with the enormous economic and social costs associated with failure to compete adequately in international markets. The Board specifically recommended that "Federal regulation of commercial stations should include, at a time convenient from the point-of-view of the student, a required period of educational programming for children."

This bill does not go quite that far, but it does guarantee that the mandate of the Communications Act requiring stations to serve the public interest includes serving the educational needs of children.

This bill would also put a cap on the number of commercials per hour permitted on children's TV programs. The suggested limits are generous to broadcasters. In a perfect world, perhaps we wouldn't sell to children at all on television. But the world is not perfect, and politics is negotiated compromise, and limits of 10½ and 12 minutes of ads per hour are better than the 13 and 14 minutes per hour that occur today and that might climb higher without this legislation. I would like to submit ACT's study of commercial time in children's TV for the record.

Some people believe that alternate TV delivery systems solve the problem of inadequate broadcast service to children. But obviously poor families cannot afford the expensive options of cable and home video. Less than 30 percent of American homes subscribe to pay cable.

The average retail price for videocassettes based on children's books, music videos and other educational cassettes is about $20. A discouraging recent development is that some toy manufacturers are using home video as an advertising medium, selling toy-based videocassettes complete with commercials for as little as $3.99. Neil Werde, Director of Marketing for Tyco Toys Inc., stated, "It's a marketing tool for toys" in explaining the company's willingness "to sell basically at our cost and to ask the retailer not to take a huge margin." (See Video Marketing Newsletter, October 3, 1988.) In shopping for home videos, less affluent parents are more likely to buy these cassette-length commercials because they are so much cheaper than the quality product.

The Committee for Economic Development, a public policy research group whose 225 trustees are mostly top executives, released a 1987 report entitled, "Children in Need: Investment Strategies for the Educationally Disadvantaged." It warns that the United States is creating "a permanent underclass of young people" who cannot hold jobs because they lack fundamental literacy skills and work habits. The report stated:

This Nation cannot continue to compete and prosper in the global arena when more than one-fifth of our children live in poverty and a third grow up in ignorance. This Nation can ill afford such an egregious waste of human resources. Allowing this to continue will not only impoverish these children, it will impoverish our Nation—culturally, politically and economically.

Television can be a major force in enriching the lives of children. The Children's Television Act of 1989 is a cost-effective way to provide information and education to young audiences. We believe that President Bush, who wants to be known as the education president, will welcome this opportunity to provide a window for education without adding to the deficit or pushing up taxes.

NEWS RELEASE

AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY
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WASHINGTON, D.C. 20016
Area Code (202) 966-7300

FOR RELEASE: April 5, 1989

Contact: Mary Crosby
202/966-7300

CHILD AND ADOLESCENT PSYCHIATRISTS SUPPORT 1989 CHILDREN'S TV BILL

Washington, DC -- The American Academy of Child and Adolescent Psychiatry (AACAP) urges Congressional approval of the "Children's Television Act of 1989." The bill restricts the amount of advertising in children's programming and requires stations to provide informative programming for youngsters. Similar legislation was passed by both the House and Senate in 1988 but vetoed by President Reagan after the Congressional session ended.

The Academy reiterates the need for the legislation in a summary of its comments submitted to the Federal Communications Commission in 1988:

- Children's sensitivity to commercials:

  For a child under seven, the inherent authority of the television, the tendency to maintain the status quo, and the lack of symbolic understanding of the material work against distinguishing the conceptual and motivational difference between commercials and programs.

- Damage to children from increased commercial time:

  Less education occurs during commercial time, and added commercial time increasingly blurs the distinction between selling and learning in the mind of the developing child. The damage that added commercial time causes is subtle, but cumulatively it is substantive.

- Federal government's concerns about restricting broadcasters:

  Young children need special protection because they are developmentally immature. The government warns and restricts on issues such as tobacco, alcohol, and sexually explicit material. To ignore the issue of advertising guidelines is to suggest to parents there is no danger in increased commercialization of children's television. This is not true.

A complete copy of the comments are available from AACAP. They were developed by D. Scott May, M.D., Chairman of the AACAP Committee on Television and the Media. The American Academy of Child and Adolescent Psychiatry is a national professional organization of over 4300 child and adolescent psychiatrists.

PTA ACTION ALERT

ADVOCATES TAKING ACTION FOR CHILDREN AND YOUTH

CONTACT: Millie Waterman
Arnold F. Fege
202-822-7878

FOR IMMEDIATE RELEASE
April 5, 1989

NATIONAL PTA URGES PASSAGE OF THE CHILDREN'S TELEVISION BILL

Washington, DC-- Citing frustration about former President Reagan's pocket veto of the Children's Television Act in November, 1988, the National PTA is once again putting its full weight behind passing and putting into law a children's programming bill which is intended to improve television for children and limit commercials during the watching time of children. "This is a family issue," stated Millie Waterman, Vice-President for Legislative Activity, "and we couldn't believe it when the President did not sign a measure that would have helped parents in selecting quality television programming for children."

"There should be no question that television is still the most pervasive medium," Waterman continued, "and the need to improve and increase children's TV is paramount. What is crucial is that the networks could make a valuable contribution to the education of the nation's children." The National PTA, an organization of over 6.5 million parents, joined other children advocacy groups, the broadcasters and an overwhelming number of House and Senate members in passing a similar measure last year.

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FOR IMMEDIATE RELEASE

NEA ENDORSES NEWLY INTRODUCED CHILDREN'S TV LEGISLATION

WASHINGTON, D.C.--The 1.9 million-member National Education Association (NEA) announced its support today for the Children's Television Act of 1989.

This bipartisan bill--sponsored by Representative Edward Markey (D-MA), chairman of the House Telecommunications and Finance Subcommittee and several other members of Congress--is identical to the children's TV bill vetoed by President Reagan last November.

The NEA statement below summarizes the Association's position on the proposed new legislation:

The Children's Television Act would, if enacted, reinstate restrictions that were abolished by the Federal Communications Commission (FCC) in 1984. These restrictions limited the amount of commercials allowed during children's television programs. Under the proposed new legislation, commercials would be limited to 10.5 minutes per hour on weekends and 12 minutes on weekdays.

In addition, the measure would impose an obligation on television broadcasters to serve the educational needs of children by requiring the FCC to evaluate whether a licenesee has met these needs in its review of applications for license renewal.

The Children's Television Act, NEA believes, is necessary to establish minimum standards for the public interest obligations of those who maintain exclusive access to a public trust--the airwaves.

The broadcast industry--far from demonstrating its good faith effort to adequately address the need for quality children's programming--has used deregulation as carte blanche to stop production of children's programs once held up as signs of good faith.

There is no evidence that market forces alone are sufficient to promote an adequate supply of quality viewing opportunities for young children.

NEA has a longstanding interest in the relationship between television and education. We have for many years reviewed and recommended specific televisin shows for children in an effort to encourage quality programming. We have presented, on a yearly basis, NEA Broadcast Awards to acknowledge and promote such efforts. Most recently, NEA contributed $200,000 to the joint ABC/Corporation for Public Broadcasting effort to combat illiteracy.

Mr. MARKEY. We thank you and we thank all of the panelists for their excellent opening testimony.

Now we will turn to questions from the panel. I recognize the ranking minority member, the gentleman from New Jersey, Mr. Rinaldo.

Mr. RINALDO. Thank you very much, Mr. Chairman.

Mr. Chairman, we have gone over and over this bill, so I really don't have many questions, but I would like to direct one to Mr. Helms.

Mr. Helms, since Congress has already determined that too much advertising is harmful to children, can you explain the rationale for your statement that the legislation, as presently written, is unconstitutional?

Mr. HELM. Well, I think you are talking about two different questions here, Mr. Rinaldo. Being unconstitutional is, in my view, different from the question of whether or not too much advertising is harmful to children.

Our contention is that the proposed remedy here is certainly not going to solve the problem. Even if we accept the proposition that there is too much advertising—we don't accept that proposition, but even if we do, the remedy here is not going to do anything to eradicate that problem, because the viewing of children's television is not limited to programming, so-called programming, for children. Children watch television in prime time, they watch sports events, they watch all types of television advertising other than in children's programming, and we know of no evidence that says that a limit on the amount of television advertising, 12 minutes as opposed to 3 minutes, as opposed to 5 minutes, is going to do anything to eradicate the problem. So that is the basis for our objection.

Mr. RINALDO. Ms. Charren, do you want to comment on that?

Ms. CHARREN. I am half-way up to the ceiling.

The fact is that all the people who make television work spend time talking and thinking about how much advertising is appropriate from a variety of perspectives. There are conferences on how to deal with the fact that when we do tape and we get the opportunity to zap commercials, we tend to do that, should we run them fast or slow.

The rule that established that in prime time it was 9½ minutes of advertising per hour for adults was based on the idea that, in part, the public wouldn't put up with more; you had to figure out how to price them; it was better for the advertiser not to have too much. With children, it was sort of decided children like it so much that we actually at one point turned their programs into commercials. This bill does not deal with that.

But all through the whole 20-year period of ACT we were really very hassled even by the limits that we are putting on now. We accept these limits, we enthusiastically endorse them, they are certainly better than no limits at all, but we still have 9½ minutes as a kind of cap for adult programming.

Now when the gentleman at the end of the table says children watch adult programming, the fact is, not only are they watching commercials that are not targeted to them, so they tend when they are 6 years old not to ask for Listerine or some dandruff remover,

but they see less advertising, which is really creepy. I don't know how they can go to sleep at night with these kinds of things on their conscience.

To sit there and say they are putting a limit on commercials doesn't help children; it flies in the face of the concerns of every parent and teacher in America who, while they are not trying to get the commercials off television, are certainly saying, "Gee whiz, we should be as careful with children as we are with adults," and this bill isn't even that careful but it is the political compromise that we think is nifty, and we are not trying to make it better. We feel if we try to make it better we won't have a bill at all.

Now, you know, a little more talk like that and people will really start to move in on Mr. Helm. He should take it while he's got it.

Mr. HELM. I think we should certainly be cognizant of the economic realities of this provision. Now it is my understanding that one of the intentions of this piece of legislation is to improve the quality of children's programming.

Mr. RINALDO. That is correct.

Mr. HELM. I wonder if Ms. Charren—and I don't want to get into a debate with her today; this is not personal in any sense—but I wonder if she is aware of what has happened to the cost of programming in the last 6 years.

Mr. RINALDO. Well, let me ask you a question. I think we should ask the questions from up here rather than down there at this point in the proceeding. We discussed this at length. The bill is a compromise piece of legislation. In other words, what you are saying, I assume, is that 12 minutes of advertising is not enough. How many minutes per hour do you want?

Mr. HELM. Well, the reality of the marketplace is that self-regulation is working. There is not more than 12 minutes of advertising per hour on the air today.

Mr. RINALDO. Well, if that is correct, then you should be supporting the legislation.

Mr. HELM. Why do we need unconstitutional regulations to accomplish something that the market is already achieving? This proposed legislation does not meet the test of Central Hudson.

Mr. RINALDO. You are saying it is unconstitutional; I'm saying it is constitutional, and I completely disagree with you there.

Second, broadcasters have had 4 years of self-regulation since the FCC repealed its old commercial time guidelines, and our hearing showed that commercial levels during children's TV programming increased substantially after the old commercial time guidelines were eliminated, and, in fact, there is a chart there that shows that. Consequently, there was a need for this legislation.

Once again, the legislation attempts to strike a balance between an adequate amount of advertising to fund the program and allow people to make a profit, and to fund a good program, and the demands that we feel are necessary not to overcommercialize children's programs.

Second, when you claim that commercial time limits are unconstitutional, the only hook you apparently are going to hang that one on is because of an intrusion on commercial speech rights. But I think you are overlooking the fact that the public interest stand-

ard also enables us to regulate broadcasting in ways that are not permitted in other media, such as the printed press.

The subcommittee found, as a matter of record, that children should be protected from excessive commercialization on television. Consequently, we have to limit the ability, I should say, under the Communications Act, to protect children by limiting the amount of commercials shown during programs aimed at them.

This legislation is carefully crafted, it is not unreasonable, it is a moderate piece of legislation, and you could get a lot worse, and you still haven't answered the question. How many minutes do you want?

Mr. HELM. What is the question?

Mr. RINALDO. How many minutes do you want?

Mr. HELM. We want the marketplace to determine what is needed as long as it is not detrimental to children's interests.

Now as to the question of the unconstitutionality of this proposed piece of legislation, there is a letter from the Justice Department on H.R. 3966 that very clearly delineates how, in the view of that Department, the bill is unconstitutional.

Mr. RINALDO. Do I have to give you a chart to show you how many times the Justice Department has been wrong and has been overruled by the U.S. Supreme Court?

Does anybody else wish to comment on that, any other member of the panel?

Mr. KEESHAN. If I can, Mr. Rinaldo.

Mr. RINALDO. Sure.

Mr. KEESHAN. I think that what we overlook here is something that is very fundamental. Even creatures in the wild protect their young, and that is what we are really talking about here.

It is very nice of us to talk about the rights of broadcasters. I don't believe that broadcasters have any right to damage the nurturing system that is required to bring us citizens who are happy and who perform well and pay taxes. I think it is in the best interests of all of us in society to protect our young, and that is what I think this bill is really doing. It is going some distance, not as far as I would like to see it go, but it is going some distance to protect young people. A society which does not consider the needs of its young people is a society which is in great danger.

We see all around us in this Nation the results of our attitudes in other areas, other than broadcasting, the results of substance abuse, and the results of failures in education, and so on, which we are paying a very, very high price for. This is part of the nurturing system.

Broadcasting is relied upon by the American family today more than ever before in the Nation's history and the history of the broadcasting industry, and if we don't make broadcasters responsible for what they do to young people either through commercials or through their programs or their lack of programming, then we are negligent in fulfilling our responsibility to the future of the Republic. I think it is very, very important that we look at it in that overview and not be concerned about our pocketbook and our bottom line, as so often seems to be the case.

Mr. RINALDO. I agree with you. I think it should be pointed out, too, however, in defense of the broadcasters that all stations

haven't excessively commercialized their programs, but all stations don't have to commit a violation before Congress should ACT, and that is why we have worked with the stations and certainly worked with the broadcasters in an effort to come up with this kind of compromise that is workable, that is pragmatic, and hopefully that will solve the problem and lead us to a kinder, gentler, and better educated America.

Yes, sir.

Mr. WRIGHT. I would just like to say that the National Association of Broadcasters did support H.R. 3966, but we also recognize the fact that self-regulation has worked. Through a study, we showed last year at this time, there was 8 minutes and 38 seconds for all programming, and self-regulation has been there.

But I think I have also got to point out that is not always what television can do for children, but also we need to always recognize what children and adults do with television. There has to be discriminating viewership. That is why the National Association of Broadcasters came out with Family Viewing this past January, talking directly to parents of how they need to work with their children, how they need to set up time schedules for what to watch, how they need to make children into discriminating viewers, how their children need to watch programming with their peers, with their teachers, school guides, but how to effectively use all the broadcasting that we provide plus all the other sources out there.

There is an abundance of excellent children's programming available in the marketplace—I want to stress that again—that the video marketplace has changed dramatically, and that there are excellent examples throughout the country. When the Captain pointed out that there were concerns in this area, we do not agree with that.

We feel there is, without a doubt, based on our research and looking at the programming available out there—I can speak specifically for our marketplace, which Peggy is fairly familiar with—that basically, on my competition, the ABC and NBC affiliate, they have done an outstanding job because they have entered competition.

There are a lot of us out there, and I think KIRO-TV represents a lot of the broadcasters. We don't always get as involved in competition as we possibly should because that sets good examples for other broadcasters, but there is programming that we are doing oriented to children that specifically meets the needs within our marketplace, and there are broadcasters doing that throughout the country.

I would like to point out that five of the six stations in our marketplace do a local show for children. There is one that KIRO Television does that Peggy is not aware of. It is called Kid's Week. It airs on Saturdays; it is targeted towards kids 9 to 14. It is hosted by kids 12 to 15. It gets into field pieces. It is hosted in the studio but goes out and talks to other kids, peer levels, athletes, scholars. It gets into all these areas of information and education. It also talks to their peers, coaches, teachers, et cetera.

My point is, it is happening within the marketplace not only from the programming standpoint and in the Seattle marketplace but also in other areas of programming through syndication. There

is a tremendous amount of available programming out there, and beyond that is what we do from a public service standpoint oriented towards kids and getting involved in community events. The campaign through the NAB on "Watch What They Watch" was developed in the Seattle market. All stations in the country had over 500 PSA's that reached on the marketplace on this campaign. But there are stations like KIRO that go above and beyond that.

Just bear with me for a moment. I just want to point out, because I think it is an example——

Mr. RINALDO. My time has expired.

Mr. WRIGHT. OK. But my point is, there is plenty of programming opportunities out there, but, again, the NAB has worked with Congress in the past, wants to continue working and coming up with appropriate legislation that shows the tremendous change in the video marketplace.

So, with that, I will stop there.

Mr. RINALDO. Mr. Chairman, I know my time has expired, but I would like to cite for the record the 1988 hearing, particularly on the constitutionality of this legislation.

Mr. MARKEY. Without objection.

[The document referred to, "Commercialization of Children's Television," is Serial No. 100–93, and is available from the committee's publications office.]

Mr. MARKEY. I thank the gentleman very much. His time has expired.

I now turn to recognize the gentleman from Kansas, Mr. Slattery.

Mr. SLATTERY. Thank you, Mr. Chairman.

I just have one quick question of the panelists, and before I ask the question, though, I just want to make an observation for those who are here today that are involved with the networks. That is, as a parent and as a father of two children ages 7 and 10, I just want all of you who are involved with the networks to know that I think about 80 percent of network programming today is unmitigated crap and you ought to be ashamed of yourself for having it on the air.

You know, I understand that you all are in business, and I appreciate that, and you are all trying to make money, and I appreciate that, and that is the American way. But in terms of the kind of information that is being communicated to young Americans in our family rooms across this country and in our living rooms by network television, it is miserably failing, absolutely miserably failing. With a few exceptions, it is trash and it really needs to be cleaned up.

Those of us in policy-making positions really recognize that our hands are tied. I mean we do have a first amendment in this country, and we are sworn to uphold that, and we intend to do that.

That doesn't in any way diminish our responsibility to speak out and condemn this stuff for what it is and to try to put as much public pressure as possible on the networks in this country to be more responsible in meeting what I consider to be a public obligation to meet the unique needs of children in this country, 50 percent of whom are growing up in single-parent families, and recog-

nize that we have a horrible situation developing out in this country with our young people.

Television is an enormously powerful medium that can be either used for good or for bad, and today, regrettably, in my opinion, the networks in this country are not meeting their responsibilities, and many local broadcasters aren't doing it either, Mr. Wright, as far as I am concerned. Some of them are. What we are talking about here today is really piddling on the margins, and any suggestion that this is some sort of radical legislation is pure nonsense; it isn't, it's just piddling on the margins. It isn't going to in any way affect adversely responsible broadcasters who have a history of meeting their public responsibilities to the communities that they serve—it isn't going to affect them one iota. I think we ought to tell it like it is.

I'm just curious, I'd like to know from anybody at the panel today, what program on network television currently being produced today is something that you can point to with pride and say this is a program, especially something on Saturday morning—when all the children in the country are watching television—not all of them, but a huge percentage of them.

What programs at CBS, ABC, NBC, are they producing that they can point to with pride and say, "This is something that we are really proud of," in addition to the Cosby Show and a few others that are on prime time? I'm talking about children's TV, and the Cosby Show is not really directed to the 6- and 7-year-olds, it is directed to teenagers and parents even; it is more of a family program. I am talking about children's programming. I am just curious what you point to with pride and say, "I'm really proud that we are putting this on television, informing young Americans with this program."

Mr. Wright.

Mr. WRIGHT. I can speak for CBS that more and more excellent programming is coming out. They have Storybook specials on Saturday that are coming out oriented toward the 2- to 6-year-olds on reading more.

Mr. SLATTERY. They are coming out?

Mr. WRIGHT. It is a program they have got this year.

Mr. KEESHAN. No, it is out; it has been out for 3 years, CBS Storybreak. I'm familiar with it because I host it, and we take children's literature, outstanding children's literature approved by librarians and so on, and we animate it, using a technique that children are so accustomed to.

Mr. SLATTERY. CBS Storybreak?

Mr. KEESHAN. Storybreak.

Mr. WRIGHT. Storybreak. My point is that we are going to be doing more, it is my understanding.

Ms. CHARREN. I want to comment on that, too. I was going to mention that, too, and mention that so many affiliates don't run it that we have to get it by tape from the networks so we can see it on Boston. It is on at the end of the Saturday morning schedule when people are going to sports, when they have bowling shows, when they figure enough is enough with this children's television, and instead of putting it on the next week on a delayed basis,

which they could do because it is a quality program, they just don't run it at all.

Mr. SLATTERY. I'm going to check and see what my affiliates are doing with this.

OK, now what else?

Mr. WRIGHT. School break specials that air in the afternoon during the week.

Mr. SLATTERY. School break specials? Is that the name?

Mr. WRIGHT. School break specials, and they do an average of at least one a month.

For example, there are a lot of stations throughout the country like ourselves that tie in with the network. They supply us with guides and teachers' guides, and then we print up approximately 25,000 guides for each show. They go out to eight different school districts.

Mr. SLATTERY. You do one of those a month?

Mr. WRIGHT. Approximately.

Mr. SLATTERY. One a month. So what is that, a half-hour a month?

Mr. WRIGHT. An hour. Sometimes there are local stations like us that will follow up with an hour of local discussion about the topic itself. They are dramas. They are oriented towards basically teenagers. It could be anything from drugs, alcohol use, to freedom of speech.

Mr. SLATTERY. Storybreak, when is that typically run?

Mr. WRIGHT. Saturday.

Mr. SLATTERY. Is that a 1 hour or ½ hour? That is a 30-minute program. It is made available through CBS every Saturday morning for 30 minutes. Is that right?

Mr. KEESHAN. No. Excuse me, John.

It is made available about 9 months of the year, because the sports schedule prohibits its play during much of the year.

Mr. SLATTERY. We sure wouldn't want to interrupt the sports schedule.

Mr. KEESHAN. We would not want to interrupt the sports schedule. You know, I think sports are important, too. Let's move it up in the schedule a little bit, but then we run into the toyshop programming which is also very important, economically important. But it doesn't really get the kinds of clearance. Peggy mentioned that. The networks may offer it, but that doesn't mean the stations—there are so many outstanding stations like KIRO, and they do have a great reputation, but there are a lot of stations that don't particularly care. So the clearance is not that great, as in Boston, for example.

Mr. SLATTERY. Is that 9 months out of the year, 30 minutes on Saturday morning?

Mr. KEESHAN. Yes, hopefully. Hopefully, we get played most of the time during the 9 months.

Mr. SLATTERY. Any other programs now? We have accounted for 30 minutes a week 9 months out of the year maybe.

Mr. WRIGHT. There are also syndicated shows available to broadcasters. Obviously, they produce locally-produced shows like, say, 5 out of 6 stations do in our market. There are also syndicated spe-

cials through Multimedia that has excellent children's shows—Peppermint Place.

I know, in talking to some of my peers throughout the country and talking to a group that I belong to, which is called the Idea Exchange Group that represents ten locations throughout the country, we get together twice a year, and always in those discussions it covers all aspects of our business. We always talk about community service and orient it towards kids, too.

I'm just saying, from my experience, there is a very conscientious feeling out there with broadcasters in meeting the needs of children within their communities. It is certainly part of that public service and an important part of it.

Mr. SLATTERY. My time, I am sure, has expired. Again, I don't want to paint all broadcasters with the same brush. I understand that some of them have and will continue to be responsible in the way they use the public airwaves, and for that I am grateful, and I understand that the networks' piece of the pie is shrinking and they are becoming very conservative in terms of the way they look at their programming, and the bottom line for them is money. Let's face it, children aren't necessarily a real powerful buying market, I suppose. I understand all that. Then suggestions that the marketplace is going to take care of all these things is, in my judgment, Mr. Helm, very naive, and I say that as a former businessmen. There are certain things that the marketplace responds to, and it responds to money; that is what it is all about.

When you are talking about the public airwaves in this country, the Government has some role to play in trying to make sure these public airwaves are being used in a way that serves the public, and the young people in America today are certainly part of the public. If we don't keep a close eye on this and if policymakers aren't admonishing the networks in this country and broadcasters to meet this public responsibility to a very vulnerable segment of our population, then it is going to be ignored and the marketplace is not going to respond to it because the children out there don't have the buying power of other potential listeners that the marketplace will dictate that they respond to. I think we ought to be honest with each other about these kinds of things and shoot each other straight.

Anyway, I have used my 30 seconds of the bully pulpit here today to admonish my friends in the networks and broadcasting to be more responsible in meeting what I consider to be some very urgent and unique needs of young Americans, and I will give back any time I might have.

Mr. MARKEY. The gentleman's time has expired. I thank the gentleman very, very much.

The Chair recognizes itself.

Ms. Charren, what is your sense of the importance of this legislation, building into the renewal standard of all television stations that they have to observe the educational and informational needs of children?

Ms. CHARREN. I think what this legislation will do is bring back a sense of sort of the mission of broadcasting in this country that really did exist in the seventies. Even though we were complaining a lot—ACT—and trying to make it better, there was a sense from

many of the participants on all sides that the obligation of broadcasting to serve the public had to include the children. That was through two Republican and one Democratic administrations. It was through changes in the structure of who ran the systems. But there was a sense that we had to do it better.

Just before deregulation started, the ABC network had announced that—it had already reduced the number of minutes of advertising based on all the noise in the press and the interest of regulatory agencies; it had already reduced it, along with the other networks, to a cap of 9½ minutes on Saturday, and it had announced it was going to take 1 more minute off.

When CBS was first putting Captain Kangaroo out to pasture by putting him on at 5 a.m. in the morning in the Mountain Zone and then telling me there was no competition at that hour, and then taking him off the air because he didn't get an audience, that was the most outrageous way of dealing with a national treasure you can imagine.

They went to Children's Television Workshop in the middle seventies and asked them to prepare a pilot for what was going to be a daily program in the afternoon.

When deregulation came in, they fired the 20 people at CBS in their news department, and CBS is sort of a microcosm of what was going on in the seventies with Mark Fowler talking about television being a toaster with pictures and his "let them eat cable" attitude toward children, it was very Marie Antoinette-ish, as the attitude of that administration toward the poor in other areas, as far as I am concerned.

Anyway, CBS got rid of the 20 people in the news department who were doing the news and all those programs, they got rid of them, and I think this bill is going to bring back that attitude that says, "We can do some nifty stuff for children and not fail." Nobody made CBS hire those 20 people; they did it because they got a message from Washington and from people who care that children were important, and I think this bill sends the same message.

Mr. MARKEY. So this is an important piece of legislation.

Ms. CHARREN. It couldn't be more important at this time in America, when the alternatives are showing how you can serve and they are not available to the children who need it the most.

Mr. MARKEY. So you don't think this is insignificant at all?

Ms. CHARREN. Insignificant?

Mr. MARKEY. Yes.

Ms. CHARREN. I think this bill is the reason I started Action for Children's Television 20 years ago. Even when we asked for 2 hours a day on that first trip to the FCC in 1970, we thought, "Let's ask for 2 hours, and maybe we'll get 1 hour." We didn't get one either, but I think that broadcasters are going to be hard put to say 1 hour a month satisfies the mandate of this legislation and that when they make decisions about allocation of resources this bill is going to be in the back of their minds.

Mr. MARKEY. Do you agree with that, Dr. Anderson? How important is this legislation?

Mr. ANDERSON. It is very important. I agree with the comments of Mr. Slattery about, there is a lot going on with the children of

this country right now. We have, for the average child, about 14 hours of that child's time to really talk to the child, to teach the child, to tell them about society, and so on, 14 hours through television. The child actually spends more time with television, but 14 hours that he is really paying attention.

It seems little enough that 10 percent of that time, an hour of that time, be quality, a quality experience and not just simply entertainment.

Mr. MARKEY. Dr. Murray, how important is this?

Mr. MURRAY. Well, I agree with Peggy and others who say that this will set a tone for the broadcast industry that children are important, that they are a protected group, protected species.

One of the reasons, in responding to some other comments, is that there is no specialized programming for children, age-specific programming. We do our best, using television, to teach when we gear the program to the needs and capabilities of a particular age group, and it is no secret that all of that programming is on public broadcasting and not on commercial broadcasting, because when you tailor it to the special needs you tailor it to a special audience, a smaller audience, that is not as commercially viable.

But I think this sort of message that these, too, are very important, and you may lose a little bit of money in the process but you will be serving society and serving a very special group.

Mr. MARKEY. Dr. Boehm, can you characterize for us how important you think this legislation is? Maybe you could focus on how important it is to have the codification of the responsibility of broadcasters to the children put right into the renewal standard for their license; their license is, in fact, in question if they haven't served the needs of the children, and that has not been a standard for 40 years.

Ms. BOEHM. Yes, that is true. But I also, again, want to suggest that even one moment or 1 minute of advertising which is not truthful or deceptive to children, even though it is well within the limits proposed, is completely unacceptable, and I think that is very important to keep in mind.

Mr. MARKEY. We agree with that 100 percent.

I don't think it should be lost on us, again, that in prime time for adults, right now, the limit is 8 minutes, and somehow or other there is an audience there that is saying, "We can't take any more than 8 minutes, or we're not going to watch your commercial program that you have put together if you try to saturate that prime time area. You are going to lose us as an audience."

But there is clearly another audience that is more vulnerable, more exposed, less discriminating in the morning, that does not exercise that kind of discriminating power, and we can see this escalation. Some stations are up to 12, 13, 14 minutes an hour, and some are even up at 15 and 16 now in some markets across the country. Seattle and Boston happen to be amongst the best markets in the country, and, unfortunately, we don't pass legislation for the best. If all we had to do was deal with good people who were law abiding and tried to do the right thing, we wouldn't have any need for laws in the country. We pass laws for people who don't abide by the standards of the community, who aren't trying

to take into account what the real concerns are for families across the country.

I think, Mr. Helm, it really does, in its own way, speak for itself that the adults are only exposed to 8 minutes an hour in prime time and the children, in many markets, are exposed to twice as much in their programming.

Yes.

Mr. HELM. Do I understand that that chart is just one station?

Mr. MARKEY. That is right. But that isn't even representative of the country as a whole; that might not even be as bad as the country as a whole. We had a study in here last year that indicated that upwards of 10 percent of the stations have now exceeded 14 minutes for all their programming across the board. That is 10 percent of stations. Again, that is whom we legislate for. We don't legislate for the stations that are down or any other group of people whom we legislate for in any particular subject. We legislate for the people that say, "Well, there's no limit; there doesn't appear to be any real sanctions in the industry against us trying to exploit it for all it's worth; let's just go for all we can get here." That is the problem, Mr. Helm. This is not an isolated instant.

Mr. HELM. It is my understanding that children's television, so-called children's television, advertising revenues are down since 1977 from 3.95 percent of total network revenues to 2.4 percent, and that is as of 1986.

Mr. MARKEY. Are you talking about revenues now, or are you talking about numbers of minutes?

Mr. HELM. I am talking about revenues.

Mr. MARKEY. You are talking about revenue. You see, that is where you kind of get confused. We are not talking about revenues here, we are talking about numbers of minutes.

Mr. HELM. We want to improve the quality of programming. Revenues are down substantially, and the cost of programming, according to the National Association of Broadcasters, is up over 175 percent.

Mr. MARKEY. Where is revenue in the evening?

Mr. HELM. Pardon?

Mr. MARKEY. How are revenues doing in the evening hours? Are they up or down? Adult hours.

Mr. HELM. I would have to defer to the NAB on that. The only figures I have are on the question that we are debating here this morning.

Mr. MARKEY. That would be an interesting contrast, and it would also be interesting to wonder whether or not you might not want to make up some of those advertising hours by just increasing by 1 or 2 minutes in prime time.

Mr. HELM. Mr. Chairman, I don't think anybody is questioning the intention of the legislation.

Mr. MARKEY. If it is revenues that you are looking for, it looks like a tremendous opportunity in prime time to try to increase the number of minutes there, and I bet you could charge——

Mr. HELM. I'm sure the networks would love to sell that time.

Mr. MARKEY. Excuse me?

Mr. HELM. I'm sure the networks would love to sell that time.

Mr. MARKEY. I think that is what we ought to be looking at then. I think there is a tremendous revenue enhancing opportunity for any broadcaster to try to test that adult marketplace and see how far you can go in having adults just sit there in a daze as automobile ad after dishwasher ad comes on, and see how large their audience will be.

Mr. WRIGHT. Mr. Chairman.

Mr. MARKEY. Yes, sir.

Mr. WRIGHT. I would just say one reason revenues may be down is because viewership is down. The last figure we looked at a year ago was that children, 2 to 5, was down 11 percent; I think 6 to 11 was like 20 percent. The viewing is down, and, again, I submit, a lot of that reason is due to the wide variety of options out there in the video marketplace with cable, VCR's, and everything else.

Ms. CHARREN. But some of it is down because of the new measurement way that you measure children, and people who think they are going to push buttons have never tried to get them to clean up their room.

Mr. KEESHAN. Also, what we are talking about on these charts is the number of minutes in a given children's program, we are not talking about total minutes in children's programming. There are fewer minutes in children's programming, and there is less revenue because there is less children's television. Captain Kangaroo, right off—45 minutes of commercial time that is no longer there. So if you add that and all the other programming that has gone off in the last decade, certainly there are fewer minutes and therefore less revenue.

Mr. HELM. Well, I think we are also talking about truthful, nondeceptive advertising of legal products and services. I think that is fundamental to this discussion. There is somehow an assumption that limiting the amount of truthful advertising is going to change children's perceptions.

I feel a little bit this morning like the messenger who is getting shot because he has bad news. It just simply isn't going to happen. Nobody questions the intention of the legislation, but, again, the bad news is, it is not going to change those perceptions, and, in the process, it is going to seriously compromise the 1st amendment. That is the basis of our objection. We are not anti children. I happen to be the father of two that have turned out reasonably well, their father notwithstanding.

Mr. MARKEY. The bottom line problem here is that there are a lot of things which are legitimate when you talk about adults. Adults are assumed to have an ability to make determinations for themselves with regard to what they want to consume, what they want to view, and what they want to read. But we do have a separate set of laws which govern children in the country, especially for children who are either in their pre-teen years or barely out of their infancy, and these children have a very high exposure to television. We make societal decisions as to what they can be exposed to. We just don't let the commercial market determine what it is that a child should have access to. We make some judgments ourselves as a society. That is why we have laws which treat juveniles across the board in a different way than we do adults. Otherwise, we wouldn't make that distinction.

What we have done here is, we have basically identified a situation where 17 percent of all programs across the country now are in excess of 12 minutes in advertising, where adult programs are only at 8. What we have tried to do is to reach some kind of compromise, agreement, that will lower the number of minutes in advertising and stabilize it at that point. Then we tried to build into the law a requirement that all TV stations, in order to hold their licenses, have to provide educational, informational services to the children in their viewing community, and to strike a balance so it isn't just a toaster with pictures, it is not just any other device, but it is something special, it is something that affects for 6½ hours a day the way in which families in this country look at the world.

I just don't think, agreeing with Mr. Slattery, that we can look at Japan, and look at Europe, and look at Korea, and look at the rest of the world, and expect us to be able to develop a class of citizens by the year 2000 that will be able to compete for these jobs internationally and be able to provide the work force, if all we are going to do is treat television as a medium for selling candy bars and children's toys.

I think we have to be realistic that this is a central part of our ability to be competitive long term. Drug policy, educational policy, trade policy, tax policy, and regulatory policy all have to be worked together to ensure that we have a citizenry that is going to be prepared to compete. I don't think that this is something that is going to result right now in a world that is going to make us competitive.

Here is where we are right now. We have got a bill which, if we can get a quorum, we can mark up and out and send it up to the full committee so that we can move it out to the Floor of Congress in an expeditious fashion. I think we are getting very close to a quorum right now.

With the indulgence of the committee, I would like to dismiss the panel, with the thanks of the committee for their testimony here today. It has been very, very helpful to us. I would like to assure you that as we go through this process, we would like you to stay close to our committee, from the NAB, to the INTV people, right through the associations of the public interest sides. We have tried as best we can to bring everyone in close so that we can work on something that has the corners of Peggy Charren's mouth turned upward at this moment in time. I think that that, in and of itself, is the best test.

Mr. RICHARDSON. Mr. Chairman, I have a markup at the same time, and I wonder, is it possible to call the roll and keep it rotating?

Mr. MARKEY. We will dismiss the panel. Thank you very, very much, and we will now begin our markup of the legislation.

[Whereupon, at 12 noon, the hearing was adjourned.]

[The following statement was received for the record.]

BEFORE THE
TELECOMMUNICATIONS AND
FINANCE SUBCOMMITTEE
U.S. HOUSE OF REPRESENTATIVES

COMMENTS OF THE AMERICAN
ASSOCIATION OF ADVERTISING AGENCIES
ON H.R. 1677 - THE CHILDREN'S
TELEVISION ACT OF 1989

The American Association of Advertising Agencies, Inc. (A.A.A.A.) submits these comments in response to H.R. 1677, The Children's Television Act of 1989, as it was discussed in a hearing before the Subcommittee on April 6, 1989.[1] Regarding commercialization practices in children's television programming, the A.A.A.A. sees no need to require the Federal Communications Commission to modify the regulatory policy of non-interference which has prevailed for the past several years. These comments will communicate the reasons why the A.A.A.A. believes that a fair and free market will best serve the public good.

As the national organization of the advertising agency business, with over 760 member agencies placing more than 75% of

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1 Comments substantially similar to those set forth here were submitted before the Federal Communications Commission on February 19, 1988, in response to the Further Notice of Proposed Rulemaking/Notice of Inquiry issued by the FCC on November 9, 1987. 52 Fed. Reg. 44616 (Nov. 20, 1987). The submission was made as part of the A.A.A.A.'s continuing effort to assist the Commission in formulating workable policies in the area of children's television.

all national advertising in the United States, the A.A.A.A. has long been an active participant in Commission proceedings relating to children's television.[2] Many A.A.A.A. member agencies produce advertising for their clients which informs viewers, including children, about children's products. This advertising is broadcast during children's programming. Such advertising represents an important part of the economic base that supports the national commercial television system. Any regulatory tampering with that delicate balance jeopardizes the revenues that make commercial television possible. Thus, the A.A.A.A. opposes imposition of unnecessary federal regulation such as quantitative commercial guidelines.

We are opposed to commercialization guidelines because we believe that proponents of such guidelines feel that children's advertising is inherently harmful and that children need to be protected from it. However, children did not receive such "protection" in 1984 or 1986, when the Commission determined

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2 See, e.g., Comments, filed May 12, 1978, Petition of Action for Children's Television; Comments, filed February 12, 1979, Second Notice of Inquiry; Comments, filed June 16, 1980, Children's Television Programming and Advertising Practices, Docket No. 19142; Comments, filed April 28, 1983, Children's Television and Advertising Practices, Docket No. 19142; Comments, filed November 2, 1983, Revision of Programming and Commercialization Policies, MM Docket No. 83-670; Comments filed February 19, 1988, MM Docket NO. 83-670.

that there was no need for such guidelines in children's television.[3] Further, we are aware of no new evidence that suggests they need such "protection" now.

Children's advertising does not harm children. Commercials for products that are aired during children's programming are designed to show the product's features and explain its benefits in terms that are understandable to children and yet sensitive to their special attitudes and perceptions. These commercials are carefully reviewed by the advertiser, its advertising agency, and the station or network that will air the advertising. In addition, the advertising industry's own self-regulatory mechanism, the National Advertising Division (NAD) of the Council of Better Business Bureaus, continues it initiatives.[4]

With respect to a study provided by Action for Children's Television "Commercial Time In Children's Television Programming", during the April 6th hearing, critics of children's advertising

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3 See Report and Order, MM Docket No. 83-670, 98 FCC 2d 1076 (1984); Memorandum Opinion and Order, MM Docket No. 83-670, 104 FCC 2d 358 (1986).

4 NAD's special unit for children's advertising, the Children's Advertising Review Unit (CARU), continues to review advertisements challenged by consumers, competitors or public interest organizations. If an advertisement is found not to satisfy the requirements of the CARU code, modifications or withdrawal are the predominant remedy.

used this limited study to show that commercial time has grown to as much as fourteen minutes per hour of children's television. The study was positioned to the Subcommittee as conclusive evidence that the rate of increase of commercial time during children's programming was alarming and uncontrolled, misleading Chairman Edward Markey (D-MA) to believe there was nothing to counteract this perceived trend. However, close inspection of the data in the study discounts its findings. Only the independent stations studied show any measurable breach of a twelve minute standard. The most insinuating findings are placed at the beginning of the study to make the first impression. We feel the findings of this study have been seriously misrepresented by its proponents, and are far too limited and distorted to serve as an accurate national yardstick of the current commercialization of children's programming.

We also feel that advertisers, for perfectly valid economic reasons, place a "natural cap" on the amount of commercial time within an hour of children's programming. When too many commercials are running in any given time frame, they lose their impact and advertisers begin to shy away from the cluttered airwaves. It is simply not very smart to attempt to break through the clutter. In fact, children's advertising is basically like all other advertising. Advertisers, motivated by

their hope for sales, and operating within standards and guidelines imposed by the private sector, seek advertising particularly suited to the capabilities of the intended audience.

Contrary to the assertions of critics of children's advertising, children are not putty in the hands of advertisers. As it has been explained by one authoritative veteran of years working to create advertising attractive to children:

> We must stop treating children as helpless, gullible sheep who need to be carefully watched and protected. There is no evidence that television is the wolf in sheep's clothing that is slowly devouring our children, though many critics would have you believe that. Children are not that easy to entertain or persuade; they will not watch (everything) put in front of them on television, and will not buy (or ask to buy) everything that is cleverly advertised to them. In reality, children are intelligent, discriminating, and skeptical. Despite their lack of experience, they are not that easily fooled[5].

Without doubt, advertisers seek to inform and to influence the preferences of children by means of advertisements intended to stimulate their interest. Nonetheless, the continuing procession of products which have failed in the marketplace despite heavy investment in advertising during children's programming demonstrates most vividly that children are both sophisticated and discerning even while very young.

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[5] Cy Schneider, Children's Television: The ART, The Business, and How it Works (Chicago: NTC Business Books, 1987), at 2.

Advertising also is accused of persuading children to force their hapless parents into unwarranted purchasing decisions. In fact, however, the decision-making process surrounding the purchase of a "children's" product is not unlike the adult-child dialogue and interaction that occurs in many regular activities. Children lobby their parents for a later bedtime with the same vigor used in urging a particular purchase decision. Advertising provides children with a source of information about aspects of our society, and, by introducing children to basic concepts underlying our free market economy, helps to prepare them for adult American life.

Critics of children's programming and the advertising which supports it also claim that broadcast television uses scarce airwaves and that children have no media alternatives.

This is especially untrue today in light of the proliferation of choices offered by cable television. According to TV Dimensions '88[6], the latest A.C. Neilsen count shows 90.4 million American homes have television sets. Fifty-three percent of these homes have cable television, and that is expected to reach 60% by 1990. Most cable systems offer several channels which

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6 TV Dimensions '88 (New York: Media Dynamics, 1989), p. 11, 29.

concentrate on children's programming, giving many children access to a continuing variety of children's programs. If, for any reason, children are dissatisfied with the offerings of network broadcasters, they will switch to cable programming and force broadcasters to make programming changes.

Congress should be sensitive to the fact that reimposing commercialization guidelines will create an administrative burden for the FCC as well as administrative and cost burdens for broadcasters and advertisers. Of course, to the extent that quantitative limitations on commercials are imposed, there may be less available media time in children's programming. If so, the price of such media time could rise. Higher media costs could mean fewer advertisers, and, since advertising supports children's programming, fewer broadcast choices for children's programming. These negative aspects of reimposing the commercialization guidelines must be weighed in considering the alleged--but unproven--benefits which critics of television advertising say will accrue from government intrusion.

The reasons advanced today by the A.A.A.A. against government intrusion into children's television are as compelling as they were several years ago when the Commission decided that commercialization standards were unnecessary. Again and again, the advertising community has heard the assertions of critics that

commercial advertising must be limited by government fiat because it has harmful effects on children. Congress should not mandate through legislation what the Commission, in its expertise, has twice before rejected.

The alternative and preferred method to improving the quality of children's television programming has been proposed already in legislation introduced by Mr. Tauke (R-IA). Industry self-regulatory standards can be encouraged and facilitated by exempting broadcasters from the anti-trust barriers that prohibit intra-industry communication. Just as CARU is operating effectively to ensure appropriate and comprehensible commercials for young viewers, self-implemented industry guidelines can allow broadcasters the opportunity to improve programming quality. This approach circumvents the regulatory burden that the government and the FCC necessarily undertake when imposing lawful regulation like the Children's Television Act. Furthermore, the message to all broadcasters may be much stronger and more meaningful if it comes from within the industry.

Advertising self-regulation, operating in a free market, is working to provide an effective guarantee of quality children's advertising. Market forces, acting without government interference, will serve the interest of children by naturally

regulating what is broadcast to them, without the need for intrusive government regulations. The A.A.A.A. joins with all others who have submitted comments in opposition to the reimposition of quantitative commercialization requirements.

Respectfully submitted,

AMERICAN ASSOCIATION OF
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